Mr. Leroy has said so. If it is true that the railroad should integrate its facilities, this man has been unafraid to tell them so. In fact, a good part of Mr. Leroy's life has been devoted to making others realize that all men are entitled to equal rights and equal opportunities. This is the kind of honesty that goes beyond personal integrity—it is the kind of honesty that forces other men to be honest as well.

Democratic unionism for example is much more than a phrase to Moses Leroy. He not only believes in democratic unionism but demands it. He has worked long and hard—and fought—for not just Negro participation in union affairs—but meaningful participation. It was never enough for Moses Leroy to be handed a token. He has recognized that there is a difference between the mere symbols of life and substance. That there is a difference between symbolic participation and real participation and that a token is only a token and nothing more. So he has sought for more than the simple trappings of Negro participation in the labor movement. He has sought and gained real, honest and meaningful participation. Few of us know how hard he has worked for this one thing alone—but all of us know that it has been the work of a dedicated, patient and above all, determined man.

There is in all of this something that suggests yet another quality we would do well to recognize, and that is a kind of essential goodness.

This is a world afflicted with evil. Added to the evil we see about us in the form of disease and crime, poverty and war, is the constant shattering of illusions and dreams. I think that this century is marked more than any other time by the shattering of dreams, and the loss of innocence. We can no longer mask ugly truth from ourselves by use of pleasant dreams or sugary myths. And faced with this, many people retreat into a shell of self-isolation and unbelief. They refuse to have hope and refuse to believe in better things. Some protest against society and others just drop out to become flower children or hippies. Some become revolutionaries and some simply become blanks, ciphers in the human equation, but there are others who do not allow bitterness to enter their hearts, and who do not allow shattered dreams to fragment their own hope. These are people who are essentially good, who refuse to become unbelievers. These are people who care too much to feel sorry for themselves and who do not have the time to be lost in the world of frustration. They can be cursed and reviled, they can be hated and distrusted, but they can still permit themselves to have faith. They can still believe and work.

There is no reason for us to deny that a man like Moses Leroy faces every day undeserved hate. Gratuitous insult and clandestine hatred. He faces this no matter how good a man he is because he is Negro. But what makes this man distinguished is that while he faces all these adversities, he has not allowed them to overcome his fundamental belief in mankind. He has not retreated. He has refused to become a cynic. He has simply kept doing the things that have to be done. And you can only explain this behavior by the fact that he is a good man.

There are men in the world who are cunning, and there are men who are wise. It is the worst thing for the State when it mistakes cunning for wisdom, according to Sir Francis Bacon. I do not deny that Moses Leroy may be possessed of some degree of guile. Chances are that there are not many men around who are more cunning than he is. But he is more a wise man than a cunning one. And it is one of the marks of great men that they display wisdom. When all else about are losing their heads, the wise man keeps his own counsel. When some shout and cry, the wise man thinks a wise man is a man who keeps his cool, he is one who does not permit emotion to becloud judgment. He never loses sight of the important things or permits detail to obscure grand designs. If we survey the life of Moses Leroy and if we weight the decisions he has made in good times and bad we will see that he may have employed guile in his time but we will also know that he is a wise man.

You have to say too that Moses Leroy is a man with vigor. A person of great vitality and energy. He is not one to retire, though he claims that he will do so after tonight. And he is not one to rest when work remains to be done. Neither is he a man who does anything only part way. He was young enough to do a full day of hard and complex work. I doubt very much that he even knows what is on the television from one night to the next—I doubt that he has the time to watch TV. Less vital men, less energetic men, less ambitious men could not keep up with one like Moses Leroy.

I have an acquaintance with a wide number of people, but I can truly say that I have only a limited number of true friends. It takes someone unusual to be a friend. A friend is a man who is there in hard times. In bitter times. And most of all in lonely times. A friend is a man to whom friendship matters. A man who knows the meaning of devotion and is unafraid to be devoted. I remember bitter and lonely statewide campaigns in which I was running against hopeless odds. I was running for principle as much as anything else. There would be no campaign offices. There would be no workers. But here in Houston I could count on Moses Leroy being there, and doing all that he could—which is considerable. And for a hopeless campaign or two, we did pretty well—far better than anyone expected. But it would not have been possible without the help of men like Moses Leroy. He is a man who is a friend. I feel privileged to know him. And I feel indebted to him far more than I could every repay. I cannot even articulate the kind of feeling that I have for this man. All I can do is say that he was there when nobody else was. It takes a touch of greatness to do that.

Here is a man of forthrightness and a man of integrity. Here is a man of courage and honesty. Here is a man who has a vision of tomorrow that does not fear to work for it. Here is a man who has bigger dreams than most and as big a heart as any. And here is a man of humility as well.

President Franklin Roosevelt never asked for a great monument, though he built many of them—one for Jefferson and any number all across the land to any number of heroes great and small. All that President Roosevelt wanted to mark his memory was a piece of marble, about the size of his desk, with his name on it, today in Washington just outside the National Archives there is just a monument—so small that only a few people see it, a mark to the humility of a great man. Thomas Jefferson wanted no great monument either. This man, who was President of the United States, author of the Declaration of Independence, inventor, architect and statesman, as great a genius as any, had little desire to be remembered for most of his great deeds. So great a genius was Jefferson that when President Kennedy had a White House dinner with all the living Nobel laureates in the U.S.—poets, scientists, doctors and writers—he could say only in half jest that here was assembled under the White House roof the greatest collection of intellects since Thomas Jefferson dined alone. But when Jefferson died, he asked that his gravestone be marked only that here lies Thomas Jefferson, founder of the University of Virginia, author of the Declaration of Independence. And so it is, just a common gravestone in a simple family plot.

It is the mark of a great man that he does not seek monuments to himself. Moses Leroy has never asked for a monument. His monument is in his own lifetime and that is enough for him.

Finally we can discern a man of distinction by gauging the impact that he has had on others. Some of that impact Moses Leroy has had on others can be seen by the fact that we are here tonight to pay tribute and honor to him. But the real measure of his importance to his fellow man can never fully be known. Only he knows how many people owe something to Moses Leroy—and many people are indebted to him who have never met him and never will because he has made this a better world to live in—and for that all men are in his debt.

I am privileged to be here and honored to know this man. I am proud to call him my friend. Ladies and gentlemen. I give you Moses Leroy. . . .

SENATE

FRIDAY, DECEMBER 8, 1967

The Senate met at 9 a.m., and was called to order by the President pro tempore.

Rev. Ross W. Dye, minister, Church of Christ, Washington, D.C., offered the following prayer:

O God, the fountain of life in whom we live and move and have our being, in our hearts we cherish the thought that the prayers of the sincere supplicant come before Thee as sweet incense.

We rejoice that we can be workers together with the eternal God, given to purposes greater than ourselves and more lasting than our years.

In all of our endeavors, O Thou who dwellest in light supreme, may our hearts be pure and our actions circumscribed by faithful stewardship and high resolve.

As Thy servants who here act for America formulate their collective judgment on matters often more far reaching than we can comprehend, lead them to prize a good conscience and to seek the wisdom which comes from above.

As the mettle of our Nation is tested in the arena of world leadership and in the clash of ideas at home, make us worthy of the torch which we carry that we may leave a heritage to our children's children.

We ask it in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, December 7, 1967, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. METCALF). Under the previous order, the Senator from Connecticut [Mr. DODD] is recognized.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Connecticut [Mr. DODD], I ask unanimous consent that I may proceed for 1 minute, and that his time allocation remains as already stated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

U.N. SECURITY COUNCIL SHOULD CONSIDER THE VIETNAM QUESTION

Mr. MANSFIELD. Mr. President, last week the Senate unanimously adopted a resolution urging that consideration be given to bringing up the Vietnamese question in the United Nations Security Council. Since that time, there have been relevations in the press to the effect that the NLF, over the past 2 months, had sought entry to the United Nations in New York, and to that end inquiries were made to the State Department as to whether or not they would be given visas for this and other purposes.

In one way or another, the matter was dropped. We now witness, once again, a sorry spectacle of who said what, who did what, who accepted or who refused in the corridors backstage at the United Nations.

There is no reason for this. There is no excuse for this.

In the regular procedures which are provided under the headquarters agreement with the United Nations, there is a simple way to find out whether the NLF will come to the Security Council, and whether we will admit them to the United States for that purpose. That is to move the question of Vietnam in a formal fashion before the United Nations Security Council, as was suggested in the Senate resolution. Then the NLF, or any other party to the Vietnam dispute, may be invited to appear and to discuss the matter. I think it is clear beyond any question that it will be the policy of this Government to issue them visas for that purpose.

THE VIETNAM DEBATE AND THE LAW OF DIMINISHING UNDERSTANDING

Mr. DODD. Mr. President, for almost 4 years now, there has been taking place a national debate on Vietnam policy.

Probably never before in the history of our Nation has any issue of foreign policy been debated with so much vigor and with such vehemence and over so long a period of time at every level of society.

With each passing month the clamor of this debate seems to grow in intensity while tempers on both sides become more strained.

During my recent illness I found myself pondering over the bitter division that has grown up around the subject of Vietnam.

I reread many of the speeches that had been made and many of the articles that had been written.

And the more I read and the more I pondered, the more disturbed I became over the increasingly intemperate quality of the debate and over the acerbity of the division.

I asked myself why it was that there should be such sharp differences, on an issue of such fundamental concern, between people who are, in general, of equal intelligence and integrity and good will. And it is in an effort to answer this question in part, that I prepared the statement I now present to you.

In the course of the unprecedented national debate on Vietnam policy, the charge has several times been made that the administration is seeking to stifle dissenting opinions on Vietnam.

I believe this charge is nothing short of ludicrous in the light of the continuing and sometimes vituperative dissent in Congress and in every other public sphere.

Among other things, dissenters have charged the President of the United States with lack of credibility, with deliberate deceit, with irresponsibility, with aggression, and even with genocide.

In the entire history of free nations, I am certain that there is no wartime precedent for the extravagant degree of freedom that the Johnson administration has accorded to dissenters and demonstrators.

In a sense, this freedom reflects the continuing growth of the democratic tradition, for no such unlimited and continuing tolerance was shown to dissenters during the War of Independence, or during the Civil War, or during World War I, or World War II.

During the Civil War, the Lincoln administration suppressed scores of newspapers, suspended habeas corpus, and imprisoned many thousands of dissenters and suspected dissenters without trial.

Lincoln made no apologies for these stringent measures. In reply to some people who had protested against the arrest of the Copperhead leader, Vallandingham, Lincoln said the following:

> He who dissuades one man from volunteering or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle . . . Must I shoot a . . . soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father or brother, or friend, into a public meeting, and there working upon his feelings, till he is persuaded to write to the soldier boy, that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that in such a case, to silence the agitator, and save the boy, is not only constitutional, but, withal, a great mercy.

I thank God that our own society is now so strong that we are not constrained to resort to the measures which characterized the Lincoln administration's handling of Civil War dissenters.

While there has been much talk about the stifling of criticism, I cannot recall a single instance where those who support our Vietnam policy have intervened to silence a critic of this policy or to prevent him from making his views heard.

On the other hand, Vietnam critics have intervened in the most shameful manner to prevent Secretary McNamara and Vice President HUMPHREY and Secretary of State Rusk from defending administration policy.

To the extent that totalitarian tactics have been used to stifle debate on Vietnam, they have been used exclusively by some of the more extreme opponents of our Vietnam policy.

The distinguished commentator, Eric Sevareid, himself a lifelong liberal, in a recent article in Look magazine, has this to say about the exaggerated actions and dual standards of some of the liberal critics of our Vietnam policy.

> The notion has taken hold of many that the manner and content of their dissent are sacred, whereas it is only the right of dissent that is sacred. Reactions of many dissenters reveal a touch of paranoia. When strong exception is taken to what they say by the President or by a General Westmoreland, the dissenters cry out immediately that free speech is about to be suppressed, and a reign of enforced silence is beginning.
>
> What is more disturbing is that a considerable number of liberal Left activists, including educated ones, are exhibiting exactly the spirit of the right-wing McCarthyites 15 years ago, which the liberal Left fought so passionately against in the name of our liberties.

Those who defend administration policies have been accused of stifling free speech when they say that the critics and demonstrators encourage the Vietcong to prolong the war, in the belief that they can win politically what they cannot win either on the battlefield or at the conference table.

However, the accuracy of this estimate can be supported to the hilt.

It is supported by the tremendous play which the Hanoi press and radio accord to every manifestation of opposition to the war. And it is supported, as well, by virtually every objective observer who has had contacts with North Vietnamese officials, or who has followed the North Vietnamese press and radio.

Addressing the North Vietnamese national assembly as early as April 1965, Premier Phan Van Dong, presented an optimistic estimate on the growth of antiwar sentiment in the United States. He said:

> What causes us to be moved and enthusiastic is that in recent months, in the United States itself, a movement has been developing widely to oppose the U.S. imperialists who are stepping up the war of aggression in South Vietnam and increasing their acts of war against North Vietnam. This movement includes a great number of American people from all walks of life—workers, youth, women, students, intellectuals, religious people, Congressmen, and journalists. The struggle forms have gradually become stronger and more abundant.

Here, too, I call the attention of my colleagues to an article, by Stefan R. Rosenfeld, which appeared in the Washington Post on May 28, 1965.

Mr. Rosenfeld was reporting on a meeting which he and Mr. Chalmers Roberts and Mr. J. R. Williams of the Post had with the Vietcong representative in Moscow. This is what he said:

> Flourishing a batch of American cartoons, signed advertisements, and speeches critical of American policy in Vietnam, the front's

new representative in Moscow made clear his reliance on American public opinion rather than on military victory or negotiations, to compel American withdrawal.

In recent weeks there has been the statement of North Vietnam Defense Minister Giap, in which he said that he considered the growing opposition to the war in the United States "a valuable mark of sympathy" for Hanoi. Backing up Giap, the official organ of the North Vietnamese Communist Party, Nahn Dan, wrote:

By coordinating actions on both fronts, in Vietnam and the United States, and stepping up the struggle against their common enemy, the Vietnamese and American peoples will unquestionably defeat the U.S. imperialist aggressors.

The campaign in the U.S. for an end to Johnson's aggressive war in Vietnam has entered a stage of active resistance.

And if anyone considers the several statements I have quoted to be unrepresentative of the North Vietnamese attitude, I could quote hundreds more from the North Vietnamese press and radio and from statements made by North Vietnamese leaders to demonstrate how much attention they pay to every voice of dissent for the purpose of reassuring themselves of ultimate victory; and how openly they gloat over this dissent as the guarantor of this ultimate victory.

It is the privilege of every American who opposes our involvement in Vietnam to speak out.

But it is also the privilege of those who disagree with them to point out that their opposition may be prolonging the war instead of shortening it, and to appeal to them, in the interest of an earlier peace, to reconsider the wisdom of public opposition.

There would be no point, of course, in appealing to the Communists and Maoists and Trotskyists and other extremists who organized and gave leadership to the recent Pentagon demonstration.

They are the sworn enemies of everything we stand for.

But we should not write off the hundreds of thousands of American citizens who have been misled or who oppose the war for reasons they consider valid.

One could have more respect for those who talk about the stifling of dissent if they faced up frankly to the fact that their unrestrained criticism of our Vietnam commitment, and of the conduct of the war, and of President Johnson personally, does serve to encourage Hanoi to continue the war, and that it gnaws at the hearts of the American servicemen who are fighting under such difficult conditions.

Conceivably, these critics consider the dangers of silence or reticence to outweigh the dangers of public dissent.

But if this is the case, then they ought to say so frankly, instead of pretending that there is no danger in unrestrained public dissent, and that it does not in any way encourage Hanoi to prolong the war, or that their criticism does not serve to demoralize our fighting men.

Let them not pretend to ignorance of the encouragement Hanoi derives from every act of dissent in this country, for this is a point on which it should be impossible for intelligent men to be honestly ignorant.

THE LAW OF DIMINISHING UNDERSTANDING

The divisions in domestic and world opinion over the question of Vietnam point to the conclusion that, in the field of foreign affairs, human understanding is governed only in part by the factors of personal integrity and intellectual acumen and good will, and that it is governed to a far larger degree by the factors of geographic and intellectual proximity.

Indeed, the Vietnam experience strongly suggests the existence of a "law of diminishing understanding," a law which preordains, in an almost inexorable manner, that, in matters of foreign policy, and especially in crisis situations, the degree of understanding varies inversely to a person's geographic or intellectual distance from the problem.

In short, the greater the distance, the less the understanding. Conversely, the less the distance, the more understanding one finds.

Thousands of American academicians have signed statements protesting our Vietnam policy.

The number in itself is admittedly impressive.

But when the lists of signers are broken down according to their fields of professional competence, it develops that the overwhelming majority of the critics are, by professional training and personal experience, remote from the issues involved in Vietnam.

Last year Dr. Roger Swearingen, professor of international relations and director of the Research Institute on Communist Strategy and Propaganda at the University of Southern California, made an analysis of the 6,000 academicians listed as opposing the Vietnam war in several newspaper advertisements.

He found that the great majority of the signers were doctors of medicine and dentists, psychologists and obstetricians, philosophers and mathematicians, bacteriologists, biochemists, astronomers, and so on.

The critics came, as Dr. Swearingen stated, "from fields or specialties where no training, experience, knowledge, or perspective on foreign policy, communism, or Vietnam is either required or assumed. Conversely, the recognized U.S. scholars on foreign policy, the Soviet Union, Communist China, Southeast Asia, communism, and American security problems at the major U.S. centers are conspicuously absent from the roster of the critics."

As a proof of this conclusion, Professor Swearingen pointed out that among the 6,000 academicians and professionals who gave their names to the anti-Vietnam statement published in the New York Times for June 5, 1966, there were only four specialists in the field of international relations, nine economists, and 15 historians.

In Europe there is widespread opposition to our Vietnam policy among conservatives as well as liberals and socialists.

In the Far East, however, our commitment to the defense of South Vietnam has the strong support of the Governments of South Korea, Japan, Nationalist China, the Philippines, Thailand, Laos, Malaysia, Singapore, Australia, and New Zealand; and there is good reason for believing that it has the tacit support as well of the Governments of Indonesia, India, and Burma.

In his speech of September 29, President Johnson called the roll of free Asian governments that support our effort in Vietnam.

Because those who understand the Vietnam struggle best are the peoples who live on its periphery, I want to call this roll again, quoting from some of the many other statements that have been made by the leaders of these countries.

And the statements I shall quote are representative of hundreds of other statements made by the leaders of free Asia.

MALAYSIA

Malaysia, which had its own experience with Communist insurgency at the close of World War II, has supported our Vietnam effort unequivocally. Its popular and highly respected Prime Minister, Tunku Abdul Rahman, told me when I was in Malyasia, and has since said publicly, that if the United States fails to prevent a Communist takeover of Vietnam, "Malaysia is through and it will be the end of us all."

THE PHILIPPINES

The Philippines, which also had to deal with a Communist-led insurgency in the postwar period, has contributed a contingent to Vietnam despite the limited size of its armed forces and despite renewed Communist guerrilla activity. Explaining his stand, President Ferdinand Marcos told the American columnist Carl T. Rowan in June of this year:

Without the American presence we'd all be in danger of wars of national liberation, if not outright attack. Most Asian leaders, privately or publicly, express the same belief.

From the very beginning President Park, of Korea, and the other Korean political leaders have had the clearest understanding of the implications of the Vietnam war for their own security. This was the one thing that emerged above all other things in the course of the lengthy conversations I had with President Park and his lieutenants in early 1945. Since then Korea has further underscored its understanding and support by committing 45,000 combat troops, a larger commitment, in terms of its population, than the present American commitment in Vietnam.

AUSTRALIA

Australia's Foreign Minister, Paul Hasluck, at the SEATO Conference in Bangkok in April 1967, had words of warm praise for the U.S. effort in Vietnam, and he criticized Western European nations for their general indifference to Asian security.

Prime Minister Holt, of Australia, on October 17, made an exceptionally eloquent statement to the Australian House of Representatives on the increase of Australian forces in Vietnam. Let me quote a few sentences that will convey the gist of the Australian Prime Minister's argument:

It is in Vietnam that aggressive communist pressure—the greatest political danger in Asia today—is most severe and direct, and it is in this area that we must, for the time being, concentrate much of our defense effort and resources. . . .

Let me repeat, in simple terms, why we are in Vietnam:

We are there because we believe in the right of people to be free.

We are there because we responded to an appeal for aid against aggression.

We are there because security and stability in South East Asia are vital to our own security and stability.

We are there because we want peace, not war, and independence, not serfdom, to be the lot of the peoples of Asia.

We are there because we do not believe that our great Pacific partner, the United States, should stand alone for freedom.

We will continue to be there while the aggression persists because, as a free and independent nation, we cannot honourably do otherwise.

NEW ZEALAND

The New Zealand Foreign Minister, Keith Holyoke, said that—

Nothing is more essential to the maintenance of peace than a recognition that so-called wars of national "liberation" must be successfully challenged. . . . Vietnam is a small nation, New Zealand is much smaller. And we have a particular interest to protect the right of all nations, however small, to work out their future free from the threat of aggression and conquest.

Lee Kuan Yew, the Socialist Prime Minister of Singapore, was at first cautious in his public statements, although I found him firmly committed to the support of our Vietnam policy during the course of an evening's discussion in Singapore in early 1965. Since that time, Prime Minister Lee has become more outspoken. For example, at a seminar in Tokyo in late March of this year, Lee said:

The stakes in Vietnam are very large. What is happening in Vietnam cannot be repeated. We cannot allow the same forces that have emasculated South Vietnam to emasculate the whole region.

He went on to say that, rather than having to contend with the continuing Communist threat to their national integrity, the former colonial countries of Southeast Asia "may very well prefer a permanent American military presence."

THAILAND

Thailand has been as solid and united in its support of the Vietnam war as any nation could possibly be. Their Foreign Minister, Thanat Khoman, who is generally recognized as one of the great statesmen of Asia, ardently defended our Vietnam policy in a speech before the U.N. General Assembly in early October. I want to quote several paragraphs from this altogether extraordinary speech:

Let us smaller and weaker nations candidly face the facts and realize that the imminent dangers which may descend upon our nations are less likely to come from nuclear deployment—although that can never be ruled out—than from combinations of military and political ventures which their proponents euphemistically call "wars of national liberation," and which, for all intents and purposes, are hardly different from the one which Adolf Hitler launched against the Sudetenland nearly thirty years ago. Such undertakings nowadays may be more insidious but no less lethal to our free and healthy existence. . . .

North Vietnam and its supporters in the communist world, as well as its Vietcong agents in South Vietnam, wanted the outside world to believe that the war of conquest they have been waging for many years against the small and independent country of South Vietnam is a genuine national uprising or, to use their current terminology, a "war of national liberation."

This travesty of the truth has convinced neither the South Vietnamese people nor those who live near the scene of the crime and who are directly or otherwise suffering from its nefarious consequences. Only those who are farther away whose minds are less perceptive of the existing realities, and those who are always liberal with other people's freedom or are prompted by less than altruistic reasons, allow themselves to fall victims of this crude propaganda.

But if questions as to what they think of the conflict in Vietnam are directed to those Asians who have their feet firmly on the ground and whose vision has not been clouded by the outlandish ideology of the frustrated author of "Das Kapital," they would reply in unison that it is in effect an old-styled colonial conquest with only a few renovated outward trimmings . . . .

LAOS

The small independent kingdom of Laos is headed by a Prime Minister, Souvanna Phouma, who not so many years ago was completely committed to collaboration with the Communists. Now, with more than half of his country overrun by the Communist Pathet Lao, strongly supported by North Vietnamese forces, Souvanna Phouma knows that there can be no collaboration with the Communists.

Souvanna Phouma is another Asian leader who used to avoid public statements of support for our Vietnam commitment, while in private conversations with visitors he made it clear that his support was unequivocal and total. This was still his posture when I met him in Laos in 1965. But now Souvanna Phouma, too, has become outspoken. During his recent visit to Washington he expressed his basic position in these terms, in response to President Johnson's toast:

We have common interests. We are grateful that you have come, as you came to France in 1917–18, as you came to Europe in 1941.

We are grateful that you came to Indo-China to help us survive. If it were not for your presence, Laos, indeed all of Southeast Asia, would fall under Communist influence. . . .

If tomorrow South Vietnam became Communist, all that would be left for us to do would be simply for us to pack up and go.

JAPAN

As for Japan, Prime Minister Sato during his recent visit made it clear that his government supports our policy in Vietnam, and he also made it clear that he considered it unreasonable to call for a cessation of American bombing without some reciprocal action by Hanoi.

INDONESIA

Indonesia was once considered the most anti-American country in the Far East, after Red China.

But having saved themselves by a hair's breadth from an attempted Communist takeover, the Indonesian Government and the Indonesian people today display an increasing understanding of the stand we have taken in Vietnam and of its importance to their own security.

The influential Armed Forces Daily on October 24, for example, carried an editorial which called for a reevaluation of Indonesian policy toward Vietnam.

It said that the war was part of a global struggle against the international Communist movement, which was being met by the resistance of the Vietnamese patriots, struggling to defend their newly won independence against Communist domination.

And it concluded that Indonesia's national interest obliged it to keep the Communist danger as far as possible from its shores.

Commenting on Walter Lippmann's proposals that U.S. forces be withdrawn to Australia, the organ of the Djakarta area military command on November 1 said editorially:

Regardless of one's views on the war, it is evident that U.S. forces in Vietnam are both a deterrent to communist attack and a shield against communist expansion in Southeast Asia. If U.S. forces are withdrawn to Australia, it would be very easy for the Chinese communists to continue their aggression and expansion to the south.

BURMA

Burma, too, after a period of courting Red China and excluding Western influence, has now turned militantly against Red China because of its continuing intervention in her domestic affairs. In the process, Burma has, not very surprisingly, reopened its lines of communication with the West.

The Burmese Prime Minister, General Ne Win, is another one of those former Asian neutralists who, while they have not publicly endorsed American policy in Vietnam, have abandoned their opposition to it and have given discrete indications that they now understand and approve.

There is every reason why Ne Win should understand. His government has for years now been striving to control a guerrilla-type Communist insurgency. That this insurgency is not of the homegrown variety was recently driven home by a public message from Peiping to the Burmese Communist leader, Thakin Than Tun. Let me quote this message, because it has a vital bearing on the situation in Vietnam and all Southeast Asia:

The Chinese Communist Party and the Chinese people firmly support the people's revolutionary armed struggle led by the Communist Party of Burma. We regard such support as our proletarian internationalist duty.

INDIA

Even in India, where opposition to the Vietnam war was once very strong, there are increasing evidences of understanding.

Our common friend, former Senator Paul Douglas, in commenting on one of my statements on Vietnam, told the story of a conversation with an anti-American Indian nationalist.

He asked his anti-American friend how long India could maintain its freedom if the United States pulled out of Vietnam. And his friend replied, as though he had pondered the matter and had the answer ready made: "6 months."

More recently, one of India's most respected political scholars, Mr. K. K. Sinha, director of Calcutta's Political and Social Studies Institute, wrote an article captioned "Vietnam Is My Name." Addressing himself to the critics of the war and to those who take no stand, Mr. Sinha said:

> You cannot help being involved; you are involved, whether you like it or not. Your present indifference is a factor favoring one side in the battle. So don't imagine that by your silence you can escape.
>
> I have gone through much of the literature on Vietnam and more is coming out. One thing I am already convinced of and that is that this struggle is local as well as universal. Its final result will be crucial both for that small country—flapping like a small side-pocket for coins in the jacket of a continent—as well as for the continent and the world. Vietnam *is* a world issue indeed.

CAMBODIA

In Cambodia, too, despite its anti-American posture, there is strong reason for believing that Prince Norodom Sihanouk, who serves as Chief of State, is not really unhappy about the American presence in Southeast Asia. Having tried for a long time to appease the Chinese Communists, Sihanouk recently turned against them because of their underground activities in his country, and closed down Communist newspapers and arrested known Communist militants.

In his strangely twisted manner, Prince Sihanouk has stated the matter this way:

> The fact is that as long as the Americans are there, China cannot yet swallow Cambodia. And what prevents the Americans from swallowing Cambodia is precisely the fact that China is there.

In order to remain unswallowed, in short, Cambodia requires an American presence in Southeast Asia to offset the inescapable Red Chinese geographic presence.

The roll of Far Eastern nations which approve of our commitment to the freedom of South Vietnam, explicitly or implicitly, is therefore complete, with the solitary and ambivalent exception of Cambodia.

What all this adds up to is that isolationism, whether of the American or the European variety, is a disease bred by distance.

There are few isolationists on the front lines.

I believe that if, by some miracle, the British people could be transplanted to Australia and the Australian people take their place in Britain, and if the French with the people of New Zealand, the chances are that the Britishers and the Frenchmen in their new geographic environment would understand and support American policy in Vietnam in precisely the same manner that Australians and New Zealanders are supporting it today.

Conversely, it is probable that the Australians and the New Zealanders, once they were a third of a world removed from Southeast Asia, would in their turn be infected by the virus of isolationism and would display less sympathy than they do today for our Vietnam policy.

And if the Socialist Foreign Minister of Sweden, Torsten Nilsson, who has castigated our Vietnam policy in language so crude and abusive that it would do credit to Radio Peiping, could change positions with the Socialist Prime Minister of Singapore, Lee Kuan Yew, the chances are that the Swedish Foreign Minister would begin to talk like Lee Kuan Yew, while Lee Kuan Yew, in his new Nordic environment, might begin to talk like the Swedish Foreign Minister.

But, perhaps this statement is unjust to Lee Kuan Yew. From what I know of the man, I am disposed to believe that he is one of those rare individuals whose intelligence and understanding of world affairs would enable him to rise above the disadvantage of distance, so that even if he were Swedish Foreign Minister, he would still support our Vietnam policy.

The moral of all this is that the next time Mr. Torsten Nilsson goes into an anti-American temper tantrum, we should avoid being annoyed and simply put it down to the "law of diminishing understanding."

And if the British students who recently besieged Prime Minister Wilson could change places with the students of Indonesia, they would probably be demonstrating, as the Indonesian students are doing today, for more militant action against Red Chinese expansionism.

Similarly, I believe that if the thousands of dentists and doctors and anthropologists and astronomers and baby doctors and assorted academicians who have been signing protest statements against our Vietnam policy, could be exposed to 10 years of training in political science, with a specialized course on Southeast Asia thrown in, there would be far fewer academic participants in the anti-Vietnam agitation than there are today.

And there would be fewer protest demonstrations if the many decent young people who have been caught up in the anti-Vietnam agitation for misguided idealistic reasons, could be transported to Vietnam en masse and involved in the rural development program there.

Not only would the experience provide a constructive outlet for their pent-up idealism, but the firsthand contact with the Vietnamese people would teach them something about the enemy we are fighting and would inspire in them, or at least in the great majority of them, the same affection and understanding and dedication that it has in the many Americans who have had the advantage of such experience.

All of these proposals are admittedly outside the realm of possibility.

But I believe it is not asking too much to suggest that those in this country and in Europe who oppose our commitment in Vietnam should take time off from their arguing and demonstrating to ponder the implications of what I have called "the law of diminishing understanding."

They might ask themselves why it is that their attitude is not shared by any of the political leaders of the free nations of the western Pacific.

And they might ponder the significance, too, of the fact that their position is not accepted by the great majority of those scholars who, by training and experience, qualify as experts on Asia, or on communism, or on political affairs in general.

Once we accept the existence of the "law of diminishing understanding," it becomes easier to make allowance for the many sincere critics of our Vietnam policy, both in this country and abroad.

And there are other reasons why those of us who support our Vietnam commitment should make allowances for the critics rather than abusing them.

On top of the law of diminishing understanding, which would be operative in any case, public opinion in the free world has been further confused as a result of the efforts of the mightiest, the most diversified, and the most subtle propaganda apparatus the world has ever known.

How much this apparatus is spending on its anti-Vietnam agitation, no one can say for sure. From what is known about the size and cost of this apparatus, and from the fact that Vietnam is its main theme, an estimate of $500 million per year, worldwide, would probably not be excessive. It stands to reason that such an effort is bound to produce considerable public confusion in the free world.

Public understanding of our Vietnam position has been further discouraged by our own official failure to clearly designate the enemy as communism, and by the tendency that has been the intellectual vogue for some years now to soft-pedal criticism of Communist tyranny out of a mistaken deference to a mythical detente with the Soviet Union.

I shall have more to say on this latter point in my next statement.

But, all things considered, I find it nothing short of remarkable that there is not more confusion and that so many people do understand the nature and justice of our Vietnam commitment.

THE COST OF A VIETNAM DEFEAT

The critics of our Vietnam policy have made a major point of the cost of the Vietnam war.

No sensitive person could fail to lament the tragic cost in human life and the waste of resources which could, in a peaceful world, be put to much better use.

But there has been precious little thought, unfortunately, about the cost of defeat.

Let there be no mistake on this point: if we are defeated in Vietnam, or if we withdraw from Vietnam, or if the administration, under pressure from the opposition, were to negotiate a settlement that paved the way for an early Communist takeover, then it will mark the total eclipse of America as a great nation and the beginning of the end for the entire free world.

If it were not for the reality of American power, Soviet and Chinese communism would long ago have overrun all of Europe and Asia and Africa.

For our power has, in fact, served to guarantee the freedom of the neutralist nations as well as of those nations allied with us.

But freedom could not long survive if

the free nations, and the Communist nations, should ever conclude that American power is meaningless because American commitments are meaningless.

And what other conclusion could the free nations draw if, despite our repeated commitments to the freedom and security of South Vietnam, we should now abandon South Vietnam to a Communist takeover?

If we withdraw from Vietnam, I cannot conceive of a single Asian or European or any other country again accepting an assurance of protection from the United States or entering into an alliance with it.

Nor could they be blamed for this.

What I have said above is not idle speculation.

More than one distinguished Asian has warned us of precisely such consequences if we fail in Vietnam.

The one-time neutralist leader in Laos, Gen. Kong Le, who broke with the Communists when he discovered, as so many people did before him, that it was impossible to work with them, issued this warning not too long ago:

> Should you Americans find yourselves tired of the shooting, then I say don't just pull out of Laos as you did two years ago, or out of South Vietnam, as some of you want to do. Better that you pull out of the whole area at once—out of Thailand, out of Taiwan, and, with your British friends, out of Malaysia. Order the Seventh Fleet out of the South China Sea. If you are going to quit us, then the sooner the better. It will shorten our agony.

Earlier this year, Premier Lee Kuan Yew of Singapore warned us that the "credit worthiness" of the United States will be judged by Southeast Asians from now on "in the proximity of promise and performance," in other words, on whether we can make good on our commitment in Vietnam.

The well-known Filipino political commentator, Vincente Villamin, an elder statesman of the press who came to see me in Manila, wrote that the abandonment of Vietnam "would be an indelible blemish on America's honor. It would reduce America in the estimation of mankind to a dismal third-rate power, despite her wealth, her culture, and her nuclear arsenal. It would make every American ashamed of his Government and would make every individual American distrusted everywhere on earth."

Even Foreign Minister Thanat Khoman of Thailand, than whom we have had no stauncher friend in the Far East, has recently given expression to a gnawing fear that the United States may be too divided and too lacking in staying power to see the Vietnam war through to an honorable conclusion.

If we were now to abandon Vietnam, the ensuing eclipse of American prestige, and the resulting decay of our alliances and the impossibility of constructing new ones, would, in turn, encourage Peiping and Moscow to further step up the tempo of subversion and aggression throughout the world.

It would encourage the Communists to launch more "wars of national liberation" because of our manifest inability to cope with this kind of aggression.

It might very well confront us with the problem of a "hemispheric Vietnam," about which the Communist theoreticians in Havana and Peiping and Moscow have long been talking.

We might then be compelled to fight under far more disadvantageous circumstances and at much greater cost. Indeed, we would have to fight with our backs to the wall.

Instead of reducing our problems and saving the lives of American soldiers, the abandonment of Vietnam would increase our problems, would increase the possibility of local involvements in many parts of the world, and would increase the danger of all-out war.

THE MORALITY OF OUR VIETNAM COMMITMENT

I have couched my argument in terms of our national security because this is what concerns most of our citizens, and because, whether we like it or not, great nations generally act only when they feel their own national interest to be involved.

As history demonstrates only too eloquently, the interests of great nations have not always coincided with the rules of morality or with the interests of other nations.

It marks a significant advance in the development of our moral attitudes that we are prepared to face up to this fact frankly and that we are no longer bound by the absolutism of "my country, right or wrong."

Today, all right-thinking people want the assurance that their Government is not only acting in the national self-interest, but that it is acting morally as well.

I believe that we may all derive satisfaction from the fact that we now have reached a point in history where our national self-interest happens to coincide with moral law and with the interest of mankind at large.

Western imperialism is now dead.

But its place has been taken by a new, far more inhuman, far more ruthless form of imperialism: Communist imperialism.

And if it is in our national interest to help every nation, large or small, to preserve its independence and to defend itself against this new imperialism, this is an objective which manifestly coincides with right moral principles and with the interests of free nations throughout the world.

For those who like to found their opinions, as I do, on moral law rather than national self-interest, I say that, entirely apart from the fact that our own security is involved in Vietnam, there is a moral imperative which should compel men of good will to support our policy rather than oppose it.

If morality has to do with anything, it has to do with the defense of human life and human rights and the dignity of the individual.

And there is no regime in human history which has been more destructive of human rights and the dignity of the individual or more destructive of human life, than the Communist regimes in every country where communism has come to power.

Indeed, the Communist regimes in the Soviet Union and Red China have exacted a heavier toll in human life and human dignity than all of the wars of this century combined.

It has been calculated that the cost of communism in human life exceeds 80 million.

The cost in human suffering defies calculation.

To those who believe with Jefferson that it should be our duty to resist every form of tyranny over the mind of man, I say that it should be as much our duty to resist the expansion of the evil and murderous tyranny of communism as it was to resist the expansion of nazism.

What puzzles me is that so many people who understood the importance of opposing the expansion of nazism are completely blind to the parallel evils of communism. If the Nazis were stage managing a war of national liberation in South Vietnam, these critics would be shouting for all-out war to stop them. But since it is only the Communists and not the Nazis, these critics take the stand that it is none of our business.

WHERE SHALL WE DRAW THE LINE?

I come back to a point that I made in my first statement on Vietnam in February of 1965.

I take it for granted that no one in this Chamber and no loyal American takes the position that we should stand by passively while communism takes over the rest of the world.

I take it for granted that every intelligent person realizes that America could not long survive as a free nation in a world that was nearly or completely Communist.

I take it for granted that whatever position we have spoken for in the Vietnam debate, we are all agreed on the essential point that somewhere, somehow, we must draw the line against further Communist expansion.

The question that separates us, therefore, is not whether such a line should be drawn, but where such a line should be drawn.

I believe we have been right in drawing the line in Vietnam because, if this line falls, let us have no illusions about the difficulty of drawing a realistic line of defense anywhere in the Western Pacific.

And to those who say that we were wrong in drawing the line in Vietnam, I say that they have the moral obligation to tell the American people precisely where they propose to draw the line, to tell them precisely what countries they propose to abandon and what countries they propose to defend.

And they also have the obligation to explain to the American people why any nation should in the future accept our assurance of support if we now follow their advice and abandon the people in South Vietnam to communism.

They have an obligation, also, to explain why they believe that acceptance of defeat in Vietnam would make world peace more secure, rather than encouraging the Communists to embark on more wars of national liberation on the Vietnam model.

In short, we have heard their position in part.

I now propose that they present their

position in full so that we can know precisely where they stand.

The war in Vietnam has turned out to be more difficult, more protracted, more costly than most of us had imagined it would be.

I believe that there are certain things that we can do to hasten the conclusion of the battle, and I intend to address myself to this subject in a subsequent statement.

But however great the difficulties and whatever the costs, we cannot permit ourselves to falter, we cannot permit ourselves to abandon the struggle to which we are now committed.

To those who say that we cannot match the staying power of the Communists, I say that this is the worst kind of defeatism, and that if free men are not more than a match for Communists, then we might as well throw in the sponge now.

And to those pessimists who say that we cannot win the Vietnam war, I say that we can win the war and must win the war, and that our Armed Forces have the power and the ability and the courage to do so—if only we on the home front give them the support to which they are entitled.

And to those who deplore the futility of the Vietnam war, or speak about the condition of "stalemate," I say that they are looking at the Vietnam war too narrowly; and that, if they view it in its broader geographic and political context, if they view it as the "Southeast Asia war" rather than as the Vietnam war, they will see that truly remarkable progress has been achieved over the past several years.

Our resistance in Vietnam has frustrated the Communists and given heart to the anti-Communists in every Asian country.

Indonesia was saved from a Communist takeover by a hair's breadth. If the Communists had been able to win the support of another handful of senior officers, Indonesia would today be theirs. I do not think it is too much to claim that our resistance in Vietnam played a role in encouraging at least some of the loyalist officers to stand up against the Communist threat. And, in this sense, it probably made the marginal difference necessary to wrest victory from what briefly appeared to be total defeat.

Frustrated and deprived of the easy victories it had hoped for in Vietnam and Indonesia, the Maoist regime in Red China has been turned back upon itself, so that for some 2 years now it has been weakened and rent by internal conflict. This, too, is all to the good from the standpoint of the free world.

Perhaps most important, our firm stand in Vietnam, as Prime Minister Lee Kuan Yew of Singapore has pointed out, has given all the nations of the area the priceless gift of more time; more time in which to strengthen their economic and social and political structures and more time in which to build a strong and many-sided alliance of free nations.

In Vietnam itself, the progress may be slow and sometimes difficult to measure. But on the periphery of Vietnam, within the broader context of Southeast Asia, the successes already achieved by our policy have been nothing short of spectacular.

Let us not abandon this progress by giving in to frustration and impatience.

Let us not succumb to the intrinsically racist proposal that we abandon the Oriental peoples of Southeast Asia to the tender mercies of communism, and withdraw our forces to white Australia.

Let us not abandon a right moral cause simply because the cost of defending it runs high.

Let us face up to the hard, brutal fact that we are locked in worldwide conflict with forces that seek our total destruction as a nation and the destruction of everything we stand for.

Let us not beguile ourselves by regarding the war in Vietnam as a purely local conflict, but let us rather accord it its true stature and importance as a major battle, in a worldwide war, between the forces of freedom and the forces of slavery.

Let us be diligent in the quest for peace, but in this quest let us never lose sight of the guidelines of freedom and justice.

Let us not seek any easy way out, because there is no easy way out.

However great the difficulties, however long we may have to persist, let us never accept the humiliation of defeat and dishonor.

Let us rather bear ourselves like free men should bear themselves. Let us seek to emulate, at least in small degree, the courage and perseverance that our forebears displayed at Valley Forge, and which they have displayed at so many other critical periods in our history.

Let us never give in.

(The following colloquy, which occurred during the delivery of Mr. DODD's address, was ordered to be printed in the RECORD at this point on request of Mr. BYRD of West Virginia and by unanimous consent.)

Mr. BYRD of West Virginia. Mr. President, I want to take a moment to commend the distinguished Senator from Connecticut on his very careful, reasoned, and logical speech. The statement the Senator is making reflects a great deal of thought. I feel that the Senator is rendering a valuable service to his country in taking the floor at this time to address the Senate on such an important subject.

I join him in cherishing and supporting the right of people to dissent. It is a constitutional right, one that should be taken for granted from the beginning, and one which should need no restatement. I do not think anyone questions the right to dissent, if that dissent is expressed in a reasonable and constructive fashion, and does not obstruct the functions of Government, or render damage to the Republic.

I think that the Senator is correct when he states that the manner and the form of the dissent which has recently appeared in some areas of the country has damaged the efforts of our President and our country to bring about a peaceful solution to the confrontation in South Vietnam.

I join with the Senator from Connecticut [Mr. DODD] in expressing the belief that some of the demonstrations that have been conducted have given succor and comfort to the Communists and have encouraged them to prolong the war and thus lengthen the list of casualties of American boys.

I express appreciation again for the time the Senator has taken to present this very fine speech for the attention of his colleagues and the country. Several years ago, I served on the Committee on Foreign Affairs in the House of Representatives with the distinguished senior Senator from Connecticut. I believe that he has ample background and knowledge of the subject and that he has given very serious and prolonged study to this matter. Therefore, I consider that the judgment reflected in his speech, as to the effect of destructive dissent, is very sound.

Mr. DODD. Mr. President, I am extremely grateful to the distinguished Senator from West Virginia for his words. I wish I deserved them, but I have done my best. He is, of course, an outstanding Member of this body, and having his approval means a great deal to me. I am deeply grateful to him.

(This marks the end of the colloquy which occurred during the delivery of Mr. DODD's address and was ordered to be printed in the RECORD at this point.)

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL SHALE AND MULTIPLE MINERALS DEVELOPMENT ACT OF 1967

Mr. PROXMIRE. Mr. President, on behalf of myself, the Senator from Oregon [Mr. MORSE], the Senator from Maryland [Mr. TYDINGS], the Senator from Pennsylvania [Mr. CLARK], the Senator from Montana [Mr. METCALF] and the Senator from Ohio [Mr. YOUNG], I rise to introduce, for appropriate reference, the Oil Shale and Multiple Minerals Development Act of 1967.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2754) to establish a Federal oil shale development program, and for other purposes, introduced by Mr. PROXMIRE (for himself, Mr. MORSE, Mr. TYDINGS, Mr. METCALF, Mr. CLARK, and Mr. YOUNG of Ohio) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. PROXMIRE. The basic thrust of this proposal is a sensible, thoroughgoing development of one of the most valuable natural resource jackpots in the world—the Green River formation oil-shale deposits in Colorado, Utah, and Wyoming. Four-fifths of these vast deposits are owned by the American people. Thus it is not only entirely appropriate, but a

duty, for the Congress to speak out in behalf of the people by enacting legislation which will insure the development of this treasure trove to the benefit of all 200 million of our constituents, not a select few representing special interests.

What is the extent and value of this massive formation? The Department of the Interior has estimated that it contains 2 trillion barrels of recoverable oil in place. In the words of the Oil Shale Advisory Board:

> Shale yielding 25 gallons or more of oil per ton contains about 600 billion barrels of oil equivalent, and shale yielding 10 gallons or more per ton contains about 2 trillion barrels of oil equivalent.

If we consider all the oil, recoverable and nonrecoverable, contained in the Green River formation it adds up to an incredible 170 trillion barrels according to a Geological Survey estimate.

As for the value of recoverable shale oil, the experts put it at between $2.5 trillion and $5 trillion. This, mind you, is simply the price tag we can place on the Federal share of these lands. In effect, every man, woman, and child in the country has a cash interest in the proper development of this resource of between $12,500 and $25,000.

Oil shale is more plentiful than petroleum and natural gas in this country. These two commodities supply 73 percent of the Nation's total energy requirements. Yet oil shale is estimated to contain 70 times the Nation's proved crude petroleum reserves. Put another way oil shale reserves are equivalent to a 1,500-year supply of oil at our annual consumption rate of 3 billion barrels a year. Oil shale reserves are more than six times the world's proven recoverable conventional oil.

Intermixed with this immensely valuable oil shale bonanza are mineral deposits containing great amounts of aluminum and sodium. It is easy to overlook these commodities. But their value should be recognized in putting together a coordinated plan for the development of federally owned oil shale lands.

At the present time, the Government is proposing through the Department of the Interior to accelerate development of shale oil reserves through a leasing program. The Department issued draft regulations on May 7 that would lease up to 30,000 acres of the land owned by the people of the United States to oil companies who would be in a position to perform research and development work on economical means of extracting and processing oil shale. If the research and development paid off in a commercially feasible mining and processing method within 10 years, the Secretary of the Interior could extend leases for an additional 20 years for commercial production of shale oil.

I suspect that one of the principal factors motivating the Secretary of the Interior in his decision to issue these draft regulations was the presumed reluctance of the Congress to appropriate funds for Federal use in developing these shale oil lands. I base this reflection in part upon a letter from the Bureau of Land Management which I recently received stating:

> Among the factors to be taken into account is the willingness of the Congress to approve and finance an exclusively governmental research program.

This same letter goes on to say that—

> The private sector claims that the vast richness of the Government shale deters it from investing in private shale oil lands.

Yet I submit that a decision to release on a conditional basis 30,000 Federal acres out of the 3.7 million acres of rich Federal shale oil land in the Green River formation, or even out of the 770,000 acres in Colorado's Piceance Creek Basin, which contains 25-gallon shale in thicknesses of 15 feet or more, will hardly satisfy this objection. For the private sector presently owns outright, in fee simple, 300,000 acres of land in the Green River formation with a great deal of the land being under the ownership of major oil companies. For example, Standard Oil of California holds oil shale reserves of 7.8 billion barrels, Mobil Oil owns 3.6 billion barrels of oil shale reserves, and Union Oil Co. owns 5 billion barrels of reserves in 25 gallon per ton or better rim deposits. In addition, many major companies now have lease interests in shale oil. The Shell Oil Co. alone holds under lease from the State of Utah 8.2 billion barrels worth of oil shale land. Despite these extensive lease and fee holdings, private commercial production has been nil. Because of them we can expect private industry to place little importance on the availability of another 30,000 acres of Federal land.

But there is another, and more important, reason why the Federal Government should not put these lands up for lease. We simply do not have enough information to set terms and conditions for the handling of these precious Federal acres. We do not have any knowledge of what sort of return the people of the United States should be receiving for this incredibly valuable resource. There are too many questions and not nearly enough answers to proceed with a hastily devised development program.

For example, the royalty provisions included in the Department of the Interior's proposed leasing regulations have come under fire for encouraging oil companies to extract shale oil at an overly slow pace. The regulations provide for a sliding scale of royalties with royalty increases tied to profit jumps. The royalty rate would leap from 10 percent on that part of net income that is no more than 10 percent of investment to 50 percent on that part of net income which is more than 20 percent of investment. Many critics feels that the end result would be a great reluctance on the part of big oil lessees to increase profits by increasing production—thereby increasing royalties. Production, these critics say, can thus be expected to remain at low levels with a correspondingly low return to the Federal Government.

It is in an attempt to find answers to the many questions raised that I am introducing today the Oil Shale and Multiple Minerals Development Act of 1967. The bill would set up within the Department of the Interior an Office of Oil Shale and Multiple Minerals Development. It would assert congressional interest in the shale oil by requiring annual reports from the director of this office. It would create an Oil Shale Policy Advisory Committee composed of representatives of industry, the academic community, and the consumer to provide an independent review of the oil shale development program. And it would set up a mechanism for the solution of many of the problems, the answers to many of the questions, that have made it impossible for any Federal administrator, no matter how well intentioned, to devise a sensible scheme for private development of this resource.

First, there is the problem of the extent of the resource. Although the American people through their Government own 80 percent of the Green River formation it is impossible at the present time to assess the extent and value of its contents. The estimates of value and extent I gave earlier this morning are estimates and nothing more. In the case of the aluminum and sodium deposits our knowledge is close to nonexistent.

What we need, Mr. President, is more information on this vast and very rich deposit. My bill would require the Secretary of the Interior, through the office of Oil Shale and Multiple Minerals Development, to perform an inventory of the oil shale and intermixed minerals resources and their location, extent and value. The Secretary would make a report to the Congress and the President of his findings within 2 years after enactment of the bill.

A second serious problem is the extent to which minerals, such as dawsonite and nahcolite, intermixed with oil shale and containing large amounts of sodium and aluminum should be sacrificed in getting at and extracting oil shale.

My bill would require the Secretary of the Interior as part of the aforementioned survey to specify the areas where the problem of multiple minerals development exists. Criteria would also be developed by the Secretary and included in the report which could be used in determining whether a multiple minerals area should be developed for multiple minerals purposes, for oil shale purposes, for aluminum and sodium minerals purposes alone or should not be included in a development program. In determining these criteria the relative values of the intermixed minerals as well as the alternative worth of water supply and quality, recreation, preservation of fish and wildlife and the esthetic importance of the area would be taken into account.

This type of land use survey would provide a blueprint that could be followed in the final development of oil shale lands held by the Government. Lacking such a blueprint we would be proceeding completely in the dark without a proper regard to the rights all citizens have in this Federal land.

Oil shale processing, given the present state of the art, creates vast quantities of environment-polluting debris. A 50,000 barrel per day shale oil plant would have to dispose of about 60,000 to 70,000 tons of spent shale ash each day or over 20 million tons of ash per year. In fact spent shale occupies two-thirds more volume than the ore originally fed

into the retort. One answer to this problem is the so-called in situ method of retorting the shale in place underground using atomic energy or some other similar energy source. In any event zeal for the development of this resource must be tempered by concern for the impact its extraction could have on the environment.

The Oil Shale and Multiple Minerals Development Act would take this problem into account in authorizing the Secretary of the Interior to undertake a research and development program utilizing, where necessary, contracts with private organizations. The Secretary would be specifically directed to relate such a program to the problems of water supply, water and air quality, fish and wildlife, soil conservation, recreational requirements, and proper land use.

The research and development program would also deal with such complex problems as devising a system of minerals extraction that would make it possible to mine oil shale mixed with aluminum and sodium bearing minerals without having to sacrifice any of the component commodities. In this way we could be sure that the public lands were not being destructively developed simply for oil shale purposes while a great quantity of valuable aluminum bearing rock went into the discard heap. It might be found that a process for the extraction of all three commodities was too costly to use except when dealing with extraordinarily rich intermixed lodes. On the other hand it might be possible to come up with a relatively inexpensive process. In any event this is a problem area that should be carefully looked at if we are to develop these public lands wisely.

This program would most emphatically not be tied to a commercial leasing provision, as the research and development portion of the Secretary's proposed leasing regulations are. As a consequence research contracts could be made, where appropriate, with small- or medium-sized research organizations that do not have the financial capacity or know-how to run a successful commercial operation but which may well have more innovative excellence than the giants of the oil industry in this rather specialized field.

As a corollary, small, independent, oil companies without the resources to take on the research burden required by the Secretary's recent regulations as a prelude to commercial development would, under the proposed legislation, have just as much of an opportunity to lease land as the industry's giants. There would be no need to demonstrate, as Secretary Udall's regulations require, "the applicant's financial capability to conduct, research and development." In fact the Oil Shale Act specifically makes the results of research and development performed under its authority available to the public. There is no doubt that this will encourage competition within the shale oil industry.

Much of the shale oil land presumably owned by the United States is the subject of disputed private claims. For example, 407,000 acres of land in Colorado alone was claimed through placer claims under an 1872 law prior to the withdrawal of all shale oil property from mineral location procedures in 1920. Yet this land has never been patented, that is, the claims have not been officially recognized by the Federal Government. However these claims may be patented through the courts. The Interior Department is presently attempting to clear title to this land in the name of the United States through court action.

In addition, mining claims were filed for dawsonite and other sodium minerals on 1.1 million acres of Federal oil shale land during 1966 before the Secretary of the Interior issued a stop order earlier this year. Much of this land was in the Piceance Basin in Colorado—the richest oil shale land the Government possesses. The Department is currently examining the validity of these 10,400 claims, filed by only 70 or so persons.

The Oil Shale and Multiple Minerals Act would call on the Secretary to accelerate administrative and legal steps to clear titles to this disputed acreage. This work would go on concurrently with the Secretary's land use survey as well as his research and development efforts. The bill would also make it crystal clear that no claim entries on Federal oil shale would be permitted.

The research and development program authorized by my legislation would be carried out over a 5-year period and would ultimately lead to the submission of Congress of plans for the construction, operation and maintenance of a full scale demonstration mining and processing facility.

The plans would provide for the transmission of shale oil resulting from this commercial pilot project by pipeline or other common carrier to market centers for sale to wholesale buyers, who would then refine the crude shale oil for their own uses.

The proposed legislation spells out the cost factors that are to be considered in pricing oil produced by a prototype pilot operation. The sale price of the shale oil would reimburse the Federal Government for its investment in plant and equipment, with interest, and bring in a reasonable return to the Federal Government for deposit in a specially earmarked oil shale fund. Of course any proposed plant would have to demonstrate a favorable benefit-cost ratio, as the bill indicates. Furthermore, the construction of such a plant would have to be specifically authorized by the Congress.

At the conclusion of this resource survey, title clearing, research, development, and pilot plant operation process but within 10 years at the most, the Secretary of the Interior would be in a position to undertake a private leasing program if he felt such a program was in the public interest. The Oil Shale and Multiple Minerals Act would instruct the Secretary to submit to the President and the Congress a plan providing for such a private leasing program if, indeed, it was felt to be desirable. The plan would include provisions that would insure competitive development of the resource, protect the environment, would result in low cost supplies of petroleum products for the American consumer, and provide an adequate return to the Federal Government.

The plan would specifically establish a system of allocating rentals and royalties from such leases to the involved States and the Federal Government. Under existing legislation 52.5 percent of receipts from a leasing operation would go to the Federal reclamation fund to be used strictly for the benefit of reclamation States, 37.5 percent would go to the three States of Colorado, Utah and Wyoming for general education and only 10 percent would go to the Federal Government for its own use.

When this legislation was passed into law there was no inkling that we would one day be dealing with a $5 trillion jackpot. Naturally the States containing oil shale deposits should receive substantial benefits from their exploitation. However, Congress should and must set a special formula for the allocation of the vast amounts that can be anticipated from the development of shale oil giving all due regard to the States in which the resource is located.

Funds accruing to the Federal Government from rentals and royalties are to be deposited in an oil shale revenue fund. Congress would be in a position to utilize the tens of billions of dollars that could well flow into this fund to retire the national debt, eliminate budget deficits and support vital public sector programs.

It is entirely possible that oil shale revenue could sharply reduce or eventually even eliminate the Federal debt. If, on the other hand, we decided to use part of the funds accruing to the fund to support various public sector programs high on our list of priorities, think of how many hospitals we could build, how many classrooms. Think of the amount of inexpensive urban housing we could provide with these oil shale dollars, or the number of job training programs that could be undertaken, or the number of underprivileged children that could be properly educated. Think of the amount of land we could set aside for conservation, and recreation land we could purchase with oil shale dollars.

The list is as long as our collective imaginations want to make it. And the ultimate beneficiary is the American people.

No doubt some segments of the oil industry will object that this legislation simply means a further delay in the development of an important source of energy at a time when known reserves of oil are falling. But in the words of a recent Wall Street Journal editorial:

> Allegedly expert opinion holds that the U.S. before long may not be able to meet its fuel needs with conventionally produced petroleum, and yet similar forecasts have been common for decades. Somehow or other the day of doom keeps receding farther and farther into the future.

In addition, the industry owns sufficient oil shale property to proceed with commercial production whenever it is considered economically feasible. After all, this shale oil is something that can serve this country for many decades, and 20 percent of it is already privately owned. The industry owns sufficient oil

property to proceed with commercial production whenever economically feasible.

If the industry wishes to join with the Government to find answers to the many questions I have discussed that is all to the good. But we simply cannot afford to sacrifice the public trust by leasing Federal oil shale land until we have the answers to these questions.

The oil industry itself has recognized the lack of the type of information that is necessary for a wise development of this resource—the type of information the Oil Shale and Multiple Minerals Act would provide—by sponsoring, hand in hand with Government, a series of policy studies by the Denver Research Institute. The objective of these studies according to Charles H. Prien, head of the Chemical Division of the Institute, is to "aid in the formulation of equitable and workable future shale oil policies which are in the public interest."

The alternative, to quote the eminent economist, John Galbraith, who served on Secretary Udall's Oil Shale Advisory Committee is to lease oil shale land now, thus "offering a subsidy of unknown value for a development of unknown costs promising a return of unknown amount. This amounts to disbursing public property while wearing multiple blindfolds."

To sum up, Mr. President, the Oil Shale and Multiple Minerals Development Act of 1967 would seek to remove these "multiple blindfolds" before we lease any portion of the public's $2.5 to $5 trillion oil shale resource. It would do so by providing for:

First. The creation with the Department of the Interior of an Office of Oil Shale and Multiple Minerals Development reporting annually to Congress.

Second. The setting up of an Oil Shale Policy Advisory Committee composed of representatives of industry, the academic community, and the consumer to make an independent review of the development program.

Third. A survey by the Secretary of the Interior, through the proposed Oil Shale Office, of the location, extent, and value of oil shale and intermixed minerals containing sodium and aluminum, our information now being sketchy at best.

Fourth. The creation of a land-use blueprint on the survey to be used in determining where it would be advisable to sacrifice other valuable minerals found in the deposits in order to get at and extract oil shale, where it would be best to exploit the deposits for aluminum or sodium alone, where it would be best to aim for extraction of all the minerals together despite the cost, and, indeed, where it would be best to preserve the land in its natural state for conservation reasons.

Fifth. An accelerated program of administrative and legal steps to be taken by the Interior Secretary designed to speed up clearance of title to the disputed claims on a large portion of the public shale oil lands.

Sixth. A program of research and development aimed at developing less destructive extraction techniques and at solving, among other things, the problem posed by the vast quantities of environment-polluting debris which result from present methods of oil shale processing.

Seventh. Public availability of the results of R. & D. performed under authority of the Oil Shale Act thus making it possible for small, independent oil companies that cannot afford the R. & D. burden to compete for a share in development of this resource.

Eighth. Development of a plan, for submission to Congress within 5 years, for the construction, operation and maintenance of a full-scale demonstration mining and processing facility.

Ninth. Development of a plan within 10 years, providing for private leasing to insure competition, protect the environment, provide the consumer with low-cost petroleum products and the Federal Government with an adequate return. A leasing plan would be put forward only if it were determined to be in the public interest.

Tenth. The establishment of a system of allocating rentals and royalties from any leases among the States and the Federal Government.

This shale oil land is a great public resource. We are the servants of the people. We owe it to our State constituencies as well as to all Amtricans to see that the resource is developed wisely on their behalf. This is what my bill attempts to do. I sincerely hope that it will form the basis for a constructive attempt to reassert congressional authority over the development of a multitrillion treasure trove in which all our citizens have a part interest.

Mr. President, I ask unanimous consent that the Oil Shale and Multiple Minerals Development Act of 1967 be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be printed in the RECORD, as follows:

S. 2754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Shale and Multiple Minerals Development Act of 1967".

SEC. 2. The Congress hereby finds and declares that the oil shale deposits contained in the Green River Formation of Colorado, Utah, and Wyoming contain the greatest known fossile fuel energy resource in the world, many times larger than total United States petroleum reserves and are of vital importance to the future economic well-being and security of the United States; that more than 80 per centum of such oil shale reserves are found on land owned in common by the people of the United States and administered by the Secretary of the Interior; that the Green River Formation also contains large and inadequately determined deposits of other valuable minerals, as well as substantial wildlife, scenic, and recreational resources; and that the forecast future United States demands on all petroleum products will, in years to come, exceed the capacity of domestic conventional petroleum resources to meet them and will place an undue dependence on foreign supplies which are more and more being called upon to meet the mounting requirements of other industrialized nations. The Congress further declares that it is its policy that there be carried out by the Secretary of the Interior, an orderly multiple-use program to develop economically competitive and feasible methods of extracting and processing oil shale and intermixed minerals; to foster the development of a competitive oil shale industry; to protect the affected development areas against damage to the environment; to foster an abundant future supply of liquid petroleum products to meet the nation's economic and national security requirements, and at low-cost to the consumer; to provide strong protections against private monopolizations; and to apportion and employ the revenues from any leasing program authorized by the Congress in such fashion as to enhance the general welfare.

SEC. 3. As used in this Act, the term—

(1) "oil shale" means sedimentary rock containing organic matter which yields substantial amounts of oil or gaseous products by destructive distillation. The term includes all the minerals which are components of the rock, but does not include—

(A) deposits of minerals which may be interbedded in the sedimentary rock series and which the Secretary determines can be mined (i) without removal of significant amounts of organic matter and (ii) without significant damage to oil shale beds;

(B) deposits subject to lease as oil and gas, asphaltic minerals, or coal.

(2) "Secretary" means the Secretary of the Interior.

SEC. 4. The Secretary is authorized from time to time to publish notices in the Federal Register designating areas of oil shale bearing lands and deposits comprising the Green River. Formation of Colorado, Utah, and Wyoming which shall be subject to development pursuant to this Act, but in no event shall the oil shale contained in any federally owned portion of such Formation be developed except in accordance with the provisions of this Act.

SEC. 5. (a) There is hereby established in the Department of the Interior an office to be known as the "Office of Oil Shale and Multiple Minerals Development", to be headed by a Director to be appointed by the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Director is authorized to appoint such officers and employees as he deems necessary in order to carry out the provisions of this Act. The Director is further authorized, with the approval of the Secretary, to utilize the services of such employees of the Department of the Interior as the Director may deem necessary or desirable to enable him to effectively carry out the provisions of this Act.

(c) The Director shall be responsible for carrying out the various aspects of the program authorized by this Act, including investigations, research and development, demonstration, and leasing. In carrying out his duties under this Act, the Director shall coordinate the oil shale activities of existing agencies of the Department of the Interior, and other affected Federal departments and agencies, and shall work with the several States and localities in which the oil shale and other intermixed minerals development areas are located, and with private corporations, associations, or individuals.

(d) The Director shall prepare an annual report on the operations of the Office of Oil Shale and Multiple Minerals Development for submittal by the Secretary to the Congress and the President. Such report shall include the recommendations of the Director as to improvement of the program, together with his recommendation for legislation which he determines necessary or desirable.

SEC. 6. (a) For purposes of this Act, the Secretary shall accelerate his administrative

and legal steps to clear title to some 1.5 million acres of land in the Green River Formation, including patented and unpatented claims located under the Mining Act of May 10, 1876 (17 Stat. 91), and prior to the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), mining claims located for sodium minerals in calendar year 1966, and sodium leasing applications pending on the date of the enactment of this Act. The Secretary shall submit a progress report to the Congress on his efforts under this section not later than one year following the date of the enactment of this Act.

(b) In carrying out his duties under this Act, the Secretary shall expand his January 1967 stop order on location of sodium claims in the area comprising the Green River Formation of Colorado, Utah, and Wyoming to stop all entry on lands within such area. Such order may be modified by the Secretary upon a finding, submitted to the Congress, that the use of such land for other purposes will not be inconsistent with the purposes of this Act. Any person locating claims for other minerals shall, notwithstanding any other provision of law, file the original claim with the Bureau of Land Management, with a copy to the recorder of the county in which the claim is located. Failure to so file shall be deemed a forfeiture of such claim. Any such claim filed with the Bureau of Land Management which is in violation of such stop order shall be deemed null and void.

SEC. 7. (a) As soon as feasible following the date of the enactment of this Act, the Secretary, acting through the Office of Oil-Shale and Multiple Minerals Development, shall perform a thorough inventory of the oil-shale and intermixed minerals resources and their location, extent, and value. Within the two-year period following the date of enactment of this Act, the Secretary shall make a report concerning his findings under this section to the Congress and the President. Such report shall contain a breakdown of the areas where the problem of multiple minerals development exists. With respect to each such area, the Secretary shall employ criteria which would determine whether such area should be developed for multiple-minerals purposes, for oil-shale purposes alone, for sodium minerals purposes alone, or should not be included in the development program set forth in this Act. The criteria shall be based on such factors as the extent and richness of the deposits of the intermixed oil shale and sodium minerals, the actual present values and present and future needs and supplies, the alternative values of water supply and quality, recreation, preservation of fish and wildlife, and esthetic resources.

SEC. 8. (a) The Secretary of the Interior shall undertake a research and development program, and may utilize contractual arrangements with private entities to:

(1) Develop a technology of mining and processing oil shale which will permit economically competitive petroleum products to be produced and phased into the energy complex of the United States.

(2) Develop a technically feasible and economically competitive technology of extracting of multiple minerals and their processing where they are intermixed in the same formation.

(3) Extend the Department of the Interior's patenting policies to any devices patented by any party carrying out any aspect of the Secretary's research and development program under contract-title retained by the United States, and provide access to use of such patents fully in the public domain.

(4) Relate such a research and development program to the problems of water supply, water and air quality, fish and wildlife, soil conservation, recreational and esthetic requirements, and proper land use in activities associated with full scale development of the resource.

(5) Determine the technical and economic feasibility of utilizing oil obtained from shale as an energy fuel for generation of electric power, including solution of any problems associated with air pollution.

(6) Determine the feasibility of trunk fuel pipelines from the fields to the market, in particular the desirability in the public interest of Government ownership, or of common carrier requirement without discrimination to potential users or consumers.

(7) Prepare comprehensive plans for the oil shale basins, considering all resources, and providing for orderly and systematic development of the Federal oil shale and related minerals.

(8) Prepare an oil shale development program which would develop all such resources in a manner consistent with the purposes of this Act.

(b) The program authorized by this section shall be carried on during the five-year period following the date of the enactment of this Act. The Secretary shall, during such period, file an annual report to the Congress and the President with respect to actions under this section. Upon the expiration of such five-year period, the Secretary shall submit a final report to the Congress and the President with respect to the program authorized by this section, including his recommendations for any legislation which might be necessary or desirable in connection therewith.

(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 9. Whenever the Secretary determines that he has achieved technically and economically feasible methods of mining, extracting, and processing oil shale, or intermixed minerals operations, the Secretary shall submit to the Congress plans for the construction, operation, and maintenance of a full scale, commercial size mining and processing facility or facilities. Such plan shall provide that shale oil produced by such operation shall be transmitted by pipeline or other common carrier to market centers for refinement by the wholesale buyer for his own uses. Such plan shall further provide that the Secretary shall sell such shale oil at the lowest possible rate consistent with return of the reimbursable Federal investment (with interest), plus a reasonable rate of return to the United States Government; that the interest rate shall be determined at the beginning of each fiscal year after start of construction by the Secretary of the Treasury on the basis of the average Treasury interest rate on its outstanding long-term marketable public obligations; that the Secretary shall give a preference to Federal departments and agencies, and private and cooperative associations without the necessary financial resources to undertake large-scale processing activities, in the purchase of such shale oil products; that each proposed plant shall demonstrate a positive cost-benefit ratio; that the plans, specifications, cost and operating data of such demonstration plans shall be made available, without costs, for use by all interested parties, and that the proceeds from the operation of any Federal commercial-type demonstration facility, over and above costs of construction, operation and maintenance, and interest, shall be deposited in the Treasury in a fund to be known as the "Oil Shale Revenue Fund". No such plant shall be constructed unless first approved by the Congress.

SEC. 10. At such time as the Secretary of the Interior determines that the various stages of clearing title, investigations, research, development, and demonstration have been carried out to the extent that the purposes of this Act have been achieved, or upon the expiration of ten years following the date of the enactment of this Act, whichever first occurs, the Secretary, if he determines that a private leasing program should be undertaken in connection with the disposition of oil shale resources under this Act, shall submit to the Congress and the President a plan providing for such a private leasing program. Such plan shall include, among others, provisions to encourage competition, prevent monopoly, assure compliance, advance technology, protect the environment, provide for adequate rentals, fees, and royalties, and promote low cost abundant supplies of oil shale for the benefit of consumers. Such plan shall further provide for an apportionment of rentals and royalties to be made to the States in which the oil-shale resources are located and to the United States and shall provide that the amount apportioned to the United States shall deposited in the Treasury in a fund to be known as the "Oil Shale Revenue Fund". If the Secretary determines against a private leasing program, he shall submit a report to the Congress containing his recommendations with respect to an alternative plan for disposing of oil-shale resources under this Act.

SEC. 11. The Secretary shall cooperate with States in which oil-shale resources are located and with merging localities built around oil-shale processing establishments by classifying, pursuant to the Act of September 19, 1964 (78 Stat. 986), land for disposal for municipal, recreational, roads and highway access lands, subject to meeting the criteria in such Act.

SEC. 12. (a) There is hereby established an Oil Shale Policy Advisory Committee, which shall be composed of eleven members, each appointed for a term of two years, by the Secretary as follows:

(1) Three members to be appointed who are representative of industry;

(2) Four members to be appointed who are representative of the academic community; and

(3) Four members to be appointed who are representative of the consumer.

(b) The Secretary shall designate one member to be Chairman. Any vacancy in the Committee shall be filled in the same manner in which the original appointment was made.

(c) Members of the Committee shall receive compensation at the rate of $100 a day when engaged in the actual performance of duties of the Committee, and shall be reimbursed for travel, subsistence, and other necessary expenses actually incurred by them in the performance of the duties of the Committee.

(d) The Committee shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(e) It shall be the duty of the Committee to review, from time to time, the Federal oil shale development program and report to the Congress and the President on or before January 31 of each year as to whether the policies of this Act with respect to establishing a competitive oil shale industry are being complied with.

SEC. 13. The Attorney General of the United States shall annually review the Federal oil shale development program authorized by this Act and report to the Congress and the President as to whether the policies of this Act with respect to establishing a competitive oil shale industry are being complied with.

SEC. 14. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HART. Mr. President, I want to compliment the senior Senator from Wisconsin for his introduction today of a bill to establish a Federal oil share de-

velopment program. Once again he is in the forefront with regard to matters concerning the public interest.

The Senate Antitrust and Monopoly Subcommittee of which I am chairman conducted hearings earlier this year on the competitive aspects of oil shale development. The Senate Interior Committee also held hearings with respect to the Department of the Interior's proposed oil shale program.

As a result of these hearings, I, for one, was convinced that the proposed program by the Department of the Interior may have had the effect of aiding in the monopolization of the oil shale deposits by the major oil companies.

The Secretary of the Interior has since announced that a new study of the program is in process and should be completed in January 1968.

In the meantime the old program has been held in abeyance and not put into effect.

I have not cosponsored the bill introduced by the senior Senator from Wisconsin. It is not because I believe that this bill does not represent one very sound approach to the problem. However, as chairman of a subcommittee which has had an interest in this area, I requested the Secretary of the Interior to reconsider the Department's position on this matter. This is being done and I believe, therefore, that it would be premature for me to cosponsor legislation before this task is completed and we have had an opportunity to analyze the new program.

However, once again I want to compliment the senior Senator from Wisconsin for his interest in this most important subject.

BLIGHT OF DISCRIMINATION AGAINST POLITICAL RIGHTS OF WOMEN MUST BE ELIMINATED BY RATIFICATION

Mr. PROXMIRE. Mr. President, there has been no more oppressive and dehumanizing discrimination against any nationality or religious sect than that shown against the fight for equality of women.

In every phase of this Nation's development the blight of oppressive discrimination has been against women. It is a fact that women were given political rights in only half of the sovereign countries of the world when the United Nations Charter was formally signed.

Sad to say, the United States—where the equality of women in political matters was established by the Constitution—has so far failed to ratify the United Nations Convention on Political Rights of Women.

It was more than 4 years ago that President John Fitzgerald Kennedy sent this treaty to the Senate, seeking ratification. We ignored this assignment, preferring to remain mute on this vital issue of our time.

I point out the tremendously important contributions by women to this Nation. Women today serve as ambassadors, Members of Congress, as scientists—proving the value of the full equality of women.

It is my genuine hope that the Senate will ratify the Convention on the Political Rights of Women and join such countries as Japan, India, China, Nigeria, Lebanon, Thailand, Turkey, Pakistan, and the 46 other nations already listed as signatories to this treaty.

It is time for this Nation to address itself to these issues and demonstrate to mankind its disenchantment with all forms of discrimination.

We have a deep responsibility under our Constitution. It is our task to complement the President in the matter of this Nation's treatymaking process. Our system of checks and balances provides for two-thirds of the Senate to give its advice and consent to all treaties before the President can ratify them on behalf of this country.

The PRESIDING OFFICER. Pursuant to the previous unanimous-consent agreement, the Chair recognizes the Senator from Arkansas.

THE CRISIS IN AMERICA'S ROLE IN INTERNATIONAL EDUCATIONAL PROGRAMS

Mr. FULBRIGHT. Mr. President, the pending resignation of Charles Frankel illustrates the crisis now facing America's role in international educational programs. An article in the New York Times of December 3, 1967, by Fred M. Hechinger points out some of the reasons why these programs suffer and why such a distinguished administrator as Dr. Frankel feels compelled to resign.

His feeling that the various American international cultural programs suffer from lack of support in both the legislative and executive branches should be serious cause for concern. I deeply regret the resignation of Dr. Frankel. It is but another indication of the tragic change in the direction of our policy in this period of our history. The way we appear to other peoples of the world presents a very melancholy picture.

Mr. President, I ask unanimous consent to have the article to which I have referred printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By Fred M. Hechinger)

"I'm not angry at anybody, and if I had to do the last two years over again, I'd do it—every bit of it," Dr. Charles Frankel said last week, two days after his resignation as Assistant Secretary of State for Educational and Cultural Affairs.

In a telephone interview from Honolulu, where he was attending a conference, he made no effort to deny that his resignation was a result of frustrations over a policy of turning plough shares into swords. Even before Vietnam, international education often was low man on the governmental totem pole. Now it is very nearly the forgotten man.

Dr. Frankel, who is a professor of philosophy on leave from Columbia University, is gentle, quietly articulate and not given to public gestures. But some of his friends insisted—he would neither confirm nor deny their view—that he was fed up trying to save international education from becoming a war casualty and had decided that the time had come for a dramatic gesture.

WAR CASUALTY

With an irony that underlined the chronic plight of international education the dramatic gesture, too, became a war casualty. By coincidence of timing it was overshadowed by the announcement of Defense Secretary Robert S. McNamara's impending departure. Defense again stole education's thunder.

But Dr. Frankel stressed that more is at stake than a war-created problem. He cited two basic questions:

(1) Is there realistic recognition, within the Government and in the intellectual community, of the importance of education in international terms?

(2) Is the management of America's international educational and cultural interests properly lodged in the State Department?

His answer to both questions was no.

He said the Government must find better ways of supporting the nation's educational and cultural involvement abroad. But he said he saw little immediate hope, without greater sophistication in Congress. At a recent hearing, he recalled, a Senator asked sharply: "International education, did you say? Haven't we had enough of this kind of thing?"

He had asked that education specialists be attached to American embassies where, after all, military, commercial and industrial interests are amply represented. The White House agreed, but Congress provided no funds.

The International Education Act of 1966, which was to give support to the worldwide aspects of education both at home and abroad, was passed, largely as a result of Dr. Frankel's efforts. It has never been funded.

"There is simply a recession of interest at this time, not only in the Government but even in the academic community," Dr. Frankel said. "It's partly Vietnam. It's partly because academics don't want to have anything to do with this Government, but it is also because they are tired of dealing with government in any form—with the red tape and the security clearances."

In the country at learge, he added, there is suspicion that Americans don't know what they are doing when "meddling" overseas.

"My feeling is that since we're going to be involved abroad anyway, we ought to make sure that we are doing it with a sound educational purpose," he said. "But my greatest interest in international education is the education of Americans—to build into American education an international dimension is a vital safeguard against a return to isolationism."

No added testimony is needed for the failure of the Bureau of Educational and Cultural Affairs within the State Department. Established in 1938 by Cordell Hull, largely to counteract Nazi cultural penetration of Latin America, it has always suffered from politicans' pressures to make education a para-defense weapon.

COMMUNICATIONS GAP

The importance of the bureau—and its potential as a non-political agency—was enhanced in 1946, with passage of the Fulbright Act which established the vital international exchange scholarships and fellowships.

In 1961 the post of Assistant Secretary was created, with the appointment of Philip H. Coombs. Shortly after his resignation one year later Mr. Coombs, in a personal report to Secretary of State Dean Rusk, said that low priorities for staff and funds and rigid administrative procedures severely hurt the department's educational activities. He noted "a serious communications gap" between the bureau and the State Department.

Before Dr. Frankel's appointment in 1965, the bureau was headed, first by Lucius D. Battle, a career foreign service officer, and later by Harry C. McPherson Jr., who had previously been Deputy Under Secretary of the Army and a staff assistant to Lyndon B. Johnson when he was Senate majority leader.

Today, the bureau has a staff of 384, about 25 below the 1965 total. It handles $50.3-million in funds in the current fiscal year, almost $6-million less than a year ago.

Among its major functions are administra-

tion of exchanges of graduate students, scholars, lecturers and other experts, arrangements of cultural and artistic presentations by Americans abroad and foreign groups, troupes and persons here, and supervision of the "leaders program" under which foreign public figures and young "comers" are brought to the United States and enabled to meet their counterparts in this country.

Location of most of these activities in the department which shapes foreign policy has long been under attack. Long before he became Secretary of Health, Education and Welfare, John W. Gardner suggested that a semi-autonomous agency, perhaps on the lines of the National Science Foundation, would be better.

Dr. Frankel himself, before he went to Washington, wrote in a book, "The Neglected Aspects of Foreign Affairs," that any actual or suspected link between international education and govermental propaganda is a grave disservice to academia.

Last week, he put the case more sharply. "The Government's international education actions are too precisely targeted," he said. "They aim at specific and quick return." Education and information, education and military aid, education and propaganda should be strictly separate, he warned.

He, too, saw the answer in a quasi-public agency. "The more you get the private sector involved, the better," he said. "We ought to get the Government out of the center of international education, but more strongly behind it."

What are the chances for reform?

INFERIORITY COMPLEX

"This is not the time for innovation," Dr. Frankel said. He recalled that when he took over the bureau two years ago there was a sense of action and optimism.

Other Washington observers are convinced that reform will not come from the State Department. One expert said that, although Dr. Frankel greatly improved the quality and morale of the bureau's top echelon, the rank and file has been around too long and is afflicted with a kingsized inferiority complex.

The same observer said: "The Department used to be interested, but now it's preoccupied with Vietnam. Education gets sympathy but no attention, and the Department doesn't like boatrockers anyway."

Another expert in both education and government agreed that no reforms are likely until after the 1968 elections. He said that even old supporters of international education in Congress at present fail to get excited about these problems.

One State Department watcher who has served in high campus and government posts urged a quick divorcement. "The international education bureau within State gets the last of everything and the first of the budget cuts," he said.

What emerges—dramatized by Dr. Frankel's departure (effective Dec. 31)—is that the need is not for a new assistant secretary but for a new Washington home for international education. Some observers say that things will become manageable after Vietnam. But past experience indicates that, even in the unlikely event that the State Department will ever be without a crisis, the marriage of international education and foreign policy is a poor-match.

NECESSITY TO DETERMINE THE RESULTS OF OUR BOMBING POLICY

Mr. FULBRIGHT. Mr. President, the December 3 Washington Post contained an article by George C. Wilson on the amount of bombs dropped on North and South Vietnam.

The article points out that since July 1965 the tonnage of bombs dropped in both parts of Vietnam amounts to:

One hundred pounds of explosive for every inhabitant of Vietnam;

Twelve tons of bombs for every square mile of territory in the North and South;

Double the tonnage of bombs dropped by the United States during the Korean war;

More than the tonnage dropped on Europe during World War II; and

Triple the tonnage dropped in the Pacific Theater in World War II.

Once this war is over, I hope that a high-level study will be made—similar to the strategic bombing survey after World War II—to determine the results, political, social, and military, from the bombing policy.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. BOMBING OF TWO VIETNAMS TOPS ITS WORLD WAR II DROP IN EUROPE

(By George C. Wilson)

The United States has now dropped more bombs on North and South Vietnam than it dumped on Europe during all of World War II.

Top Air Force leaders yesterday said they found this total "stupefying" but attributed it to the unique nature of the bombing in the Vietnam War.

They said the B-52s, which carry 30 tons of bombs each, pushed the total up as they bombed large areas of the countryside instead of trying for pinpoint precision like the fighter-bombers.

Unlike World War II when an armada of bombers could level a city, sometimes touching off a firestorm, Air Force leaders said the Vietnam bombing calls for picking away at the same targets over and over in populated areas.

Latest Pentagon figures show that heavy bombing in October and November pushed the Vietnam bombing tonnage over the American World War II total of 1,544,463 dropped in the European theater.

ONE HUNDRED PER PERSON

As of Nov. 15 the U.S. Air Force and Navy had dropped 1,630,500 tons of bombs on North and South Vietnam since July, 1965. This total comes out to:

About 100 pounds of explosive for every person living in North and South Vietnam.

Over 12 tons of bombs for every square mile of territory in both Vietnams.

Double the tonnage of bombs the U.S. dropped during the Korean War.

Triple the tonnage dropped by American planes in the Pacific Theater during World War II.

The U.S. dropped 635,000 tons of bombs during the Korean War and 502,781 tons in the Pacific Theater during World War II, according to Pentagon figures.

Slightly more than half—about 53 per cent—of the Vietnam War total landed in North Vietnam and the rest in South Vietnam.

ABOUT SAME SIZE

The two Vietnams are about the same size—63,344 square miles for the North and 66,263 square miles for the South. Each is about the size of the State of Washington.

Rough estimates credit North Vietnam with a population of 17 million people and South Vietnam with 16.2 million.

The Vietnam bombing campaign is easily the most concentrated American aerial bombardment—and the most controversial.

The new Pentagon bombing figures will intensify the controversy as air power critics ask what this staggering load of explosives has accomplished.

There are no public figures on how many civilians the bombing campaign has killed, but Pentagon officials stress that every target is hit with an eye to causing minimum civilian casualties.

TOTAL OF PLANES LOST

There are Pentagon figures on how many planes the Unted States has lost in this effort—1801 as of Nov. 30. Of this total, 828, planes were lost to accidents and other nonhostile causes.

Of the 973 planes lost to enemy fire, 758 were downed over North Vietnam. Figuring the cost of a modern jet at $2.5 million, this would make the dollar loss of the 973 planes close to $2.5 billion.

Air Force leaders contend the Vietnam bombing campaign has shown the need for different type of planes for limited war and the cost of giving an enemy time to build up an air defense.

FAVORS TWO TYPES

The Air Force would like to build two types of planes for limited war—a heavily armored attack plane to support troops on the ground and a highly maneuverable fighter to combat successors to the Mig 21.

Studies are already underway for both—the A-X (attack experimental) and Me FX (Fighter-experimental). How generously to fund these planes in the new budget is now being argued in the Pentagon.

Besides the new planes, Air Force leaders are pressing for money to develop a new generation of electronic guidance systems so airplanes can achieve "pickle barrel" accuracy with conventional bombs day or night.

U.S. REPORT FINDS GLOOM IN VIETNAM

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have a very perceptive article entitled "U.S. Report Finds Gloom in Vietnam," written by Bernard Weinraub, and published in the New York Times of December 6, 1967, printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. REPORT FINDS GLOOM IN VIETNAM—ASSERTS MANY IN SOUTH FEEL AMERICANS ARE DELIBERATELY PROLONGING THE CONFLICT

(By Bernard Weinraub)

SAIGON, SOUTH VIETNAM, December 5.—A weekly report privately drafted and distributed within the United States mission in South Vietnam portrays American officials posted in the provinces as gloomy about the war and the mood of the South Vietnamese people.

The two-page document, which was distributed today, says that there has been "an increasing tempo of VC terrorism and propaganda and, in some circles at least, a strange drift from reality regarding the U.S. role in Vietnam."

The report says that numerous Vietnamese now feel that the United States is "deliberately prolonging" the war and that "many Vietnamese believe that Americans in Vietnam have been so dominant, especially in the direction of the war, that the very sovereignty of Vietnam is threatened."

ONE WEEK IS COVERED

The report, headed "Provincial Attitudes," covers a one-week period, from Nov. 26 to Dec. 2. The document indicates, however, that American officials in the field were meeting long-range—and growing—problems with the South Vietnamese.

The report discussed the Vietnamese attitude toward Americans, the South Vietnamese Government and army and the Vietcong.

"The theme that recurred most often was the continuing rise in VC terrorism and prop-

aganda," the report said. In most cases, the aftermath appeared to be a declining confidence in the South Vietnamese Government's defense capabilities.

The report says that this theme was especially prevalent in the III Corps area, the section of the country around Saigon, and the IV Corps area, the Mekong Delta.

On the propaganda front, the report says, Vietcong cadres "enter hamlets escorted by armed squads, scatter leaflets, indoctrinate the people or, in the more secure hamlets, operate a portable speaker at the edge of town"—usually with "upsetting" results for public morale.

The document, quoting the final paragraph of a report from the Mekong Delta, added: "Unless the [Government] of South Vietnam is able to demonstrate visibly and convincingly that it is truly dedicated to the interests of the people, republic [the Thieu Government] will have no more support than any of its predecessors."

While American officials in recent weeks have produced optimistic public statements on the war effort and pacification, they have not dealt with the mood and the attitudes of the Vietnamese people. Over the last few months, however, officials in Saigon have noted an anti-American mood, especially in the Saigon newspapers.

The document is marked for "limited distribution" at the United States mission but is not classified.

DRAFT LAW CRITICIZED

A main complaint of Vietnamese, the report says, is against a new mobilization law that lowers the draft age from 20 to 18 and tightens deferments. The document indicates that many Vietnamese feel that the draft measure was spurred by United States pressure.

In Saigon, the document notes, a member of the new House of Representatives was reported to have said that the measure had been designed to "calm American public opinion because the American people do not take kindly to the mobilization of Americans for combat in Vietnam."

The document adds: "Another legislator reportedly said, 'Why should our young men be drafted to serve U.S. interests?'"

Discussing what it termed the "strange drift from reality regarding the U.S. role in Vietnam," the report said that in the III Corps area a "group of 12 middle-aged citizens" felt the mobilization law had been enacted at "the behest of the Americans, whose real aim is 'the extermination of as many Vietnamese as possible.'"

"GUINEA PIG"

One of the group was then quoted as having said: "Our country is a guinea pig for the testing of new U.S. and Russian weapons."

In the IV Corps area, the report says, there was "a rumor heard among the educated elite" that the United States was "deliberately prolonging [the war] in order to provide an outlet for its surplus production."

The document said that there had been vehement protests against the partial mobilization decree scheduled to take effect Jan. 1. The law orders more rigorous study of all types of deferments, including those for academic, religious and professional reasons. All specialists needed for military service, such as doctors and engineers, will be subject to the draft until they reach the age of 45.

"Although most youths do not want to join the army," the report says, "they want even less to join the VC—but the only reason given is the harder life of the VC."

The documents adds that the possibility of mobilization "had provoked hopes that the war may soon end, but almost all [youths] see it as continuing indefinitely."

"The hope for peace, when expressed, often reflected a dim conception of external forces beyond one's control," the report says. "Thus, from Binhthuan in II Corps it was reported that the people believe the Americans will send more troops to Vietnam next year to end the war sooner and help the campaign of President Johnson for re-election to the Presidency."

THE ARMS SALES PROGRAM OF THE PENTAGON

Mr. FULBRIGHT. Mr. President, one of the staff writers of the Washington Star, a leading conservative newspaper of this city, recently wrote a most perceptive article on the arms sales program of the Pentagon. The article is published in the Progressive.

I believe the article is of great importance and is worthy of being printed in the RECORD.

I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PENTAGON'S MERCHANTS OF DEATH

(By George Sherman)

The latest installment of the bloody Arab-Israeli struggle has exploded many myths about the balance of power in the Middle East. But the myth which has taken the biggest pounding on Capitol Hill is that the United States, by carefully escalating and orchestrating arms shipments abroad against competition from the Soviet bloc, can maintain a peaceful balance of power in unstable regions of the world.

Last June American-supplied planes and tanks of Jordan fought American-supplied tanks and guns of Israel. The scenario ran about the same as that between Pakistan and India in 1965. Pakistan pitted American jet fighters and tanks, part of $1.5 billion military aid supplied Pakistan to contain Communist China, against American equipment sent India for the same purpose after the Chinese invasion in 1962. When both wars began the United States could do nothing but belatedly slap a temporary arms embargo on all belligerents and sort out ways to prevent a recurrence.

The result that followed the Mideast conflict has been a searching examination in Congress of American arms policy abroad. At least two subcommittees of the Senate Foreign Relations Committee and the House Banking and Currency Committee have revealed for the first time the export face of that military-industrial complex which President Eisenhower warned against in his celebrated farewell radio-television address to the nation in January 1961.

The massiveness of the arms supply program, much of it previously hidden from Congress, let alone the public, came as a shock to many of its members and to large segments of the American public. So much so, that both houses of Congress have moved in this year's foriegn aid bill to dismantle Pentagon machinery for easy long-term credit sales of arms abroad.

"The whole tone of this operation," said Senator J. William Fulbright, chairman of the Foreign Relations Committee, during the August debate, "has come to have a disturbing resemblance to a cheap easy credit jewelry store—fifty cents down and a dollar a week. The credit sales program has been converted into a kind of military [program] for the surplus disposal by the Pentagon and the American armaments industry. It is time to stop it."

The statistics turned up by his Committee tell the tale. According to the Department of Defense itself, the annual rate of U.S. arms purchased by the developing countries, mainly those in the Middle East and Pakistan and India, increased thirteen times over the five years from mid-1961 to June 20, 1966—from $34 million in fiscal year 1962 to $444 million in the 1966 fiscal year. That makes a cumulative total of $1.11 billion in arms sales to poorer countries, based again on the Pentagon estimate that they bought ten per cent of the overall $11.1 billion in worldwide American arms sales during these five years. The remaining ninety per cent went to industrialized allies—NATO partners and Japan, Australia and New Zealand.

James Reston, associate editor and Washington columnist of *The New York Times*, recently surveyed a longer period of U.S. arms sales and gifts and came up with this report:

"The facts are startling; from 1949 to June 1966 the U.S. Government alone (not counting the private arms salesmen) sold $16.1 billion in military arms to other countries and gave away a total of $30.2 billion. This $46.3 billion amounts, over the same period, to $4 billion more than all the economic grants and loans provided to other countries by the United States since the middle of 1948, including the spectacularly successful Marshall Plan."

The striking fact of the 1960's is the new concentration on arms sales, as opposed to arms give-aways. Between 1952 and 1962 the United States gave away $17 billion in military aid, and sold $5 billion in arms. Between 1962 and 1972 the proportion is being reversed. The Pentagon has sold or plans to sell at least $15 billion in arms and to give away $7 billion.

According to Senate testimony earlier this year by the late John T. McNaughton, Assistant Secretary of Defense in overall charge of the program, the total military grants and sales program of the United States now averages $3 billion a year—making the United States the largest supplier of arms in the world.

What this means in actual volume of arms exports is even more awe-inspiring. Pentagon statistics—quoted in *The New York Times* July 19—disclosed that in the past eighteen years Government exports of military goods included 16,630 aircraft, among them 8,300 jet fighter-bombers; thirty-eight destroyers; twenty-four submarines; 258 destroyer escorts; three aircraft carriers; 19,827 tanks and 3,055 other armored assault vehicles; 1.4 million carbines; 2.1 million rifles; 28,496 submachine guns; 71,174 machine guns and 30,668 mortars; 26,845 artillery pieces and recoilless guns of all types; 45,360 missiles, including 14,251 of the air-to-air heat-seeking type in use in Vietnam.

These staggering statistics reflect the degree to which Government has replaced private concerns as "merchants of death." To be sure, the individual entrepreneurs still exist—for example, the Merex Corporation in Bonn, Germany, Levy Brothers Auto Parts Company in Canada, and International Armament Corporation of London and Alexandria, Virginia. The last named is by far the largest.

The main channel for modern heavy equipment abroad flows directly through the Defense Department. The architect of the astounding growth of the arms sales program is Henry J. Kuss, Jr. His person is as imposing as his tongue-twisting title—Deputy Assistant Secretary of Defense for International Logistic Negotiations. Big, genial, self-confident, Kuss is the image of an efficient executive exuding pride in his business operations.

Kuss sharply denies suggestions that he is a "super-salesman" dedicated to foisting Pentagon surplus on European allies or underwriting arms races in the underdeveloped world. He lists the objectives of his operation as (1) bolstering the defensive strength of

American allies against the Communist military threat, (2) erecting common logistics systems for American alliances—the so-called "arms common market," (3) alleviating the American balance of payments problem. The third aim is naturally stressed more at home than abroad.

"Our Atlantic allies come to us, not vice versa," he said during an interview. "They know they can get major weapon systems at least thirty per cent cheaper here than if they produced them at home. Despite the talk of European integration, Europeans still resist the idea of pooling their small defense industries into one big common defense market."

Kuss insists that control machinery in the U.S. Government severely limits the number of requests he can fill world-wide. On March 31, he told a luncheon of the Aerospace Industries Association's International Committee that American arms sales meet only one-third of demand. And many of the approved sales, he claimed, are so handled as to restrain rather than foster local arms races.

A favorite Pentagon example of this is a jetfighter sale to Argentina. The Argentine airforce wanted to buy supersonic fighters, at $1.5 million each—a request Kuss refused in line with U.S. policy toward all Latin America. Instead he persuaded Argentina to take subsonic A-4B's—at a "bargain price" of $70,000 each. At the same time neighboring Chile—not always on friendly terms with Argentina—was negotiating with the British for supersonic Lightning fighters, at $2 million each. Because of the demands of the Vietnam war, the Pentagon had no A-4B's left to sell Chile as an "equalizer" with Argentina. So Kuss persuaded the British to sell Chile some Hawker Hunter fighters, the rough subsonic equivalent of the American A-4B's.

But the end of the story is still not in sight. To the dismay of the Pentagon, Peru—which has a bitter territorial dispute with Chile—subsequently turned down an American offer of fifteen subsonic F-86 Saberjets. At the moment Kuss's office is trying to discover how to prevent the politically powerful Peruvian air force from purchasing new supersonic Mirage fighter-bombers from the French. So today, only a year after Argentina "saved" on the subsonic bargain, Peru is facing the Pentagon with the same expensive escalation to the supersonic jet-round of the arms race in Latin America.

In public Kuss is not always the prophet of restraint. His pride in the success of his salesmanship often takes precedence over the limited aims it serves. He lives with symbols of the material gains he has brought the country in general and big industry in particular. On a table in his junior executive office at the Pentagon stands a set of gold scales—the heavy weight of the American balance of payments on one side, the lighter weight of "world-wide offset sales" on the other.

It is a reminder of the reason for Kuss's swift rise in the hierarchy. He has been a civil servant for twenty-three years. But in early 1961, under new Secretary of Defense Robert S. McNamara, he sponsored and organized the first revolutionary agreement with West Germany to offset U.S. costs of keeping American troops in Germany through German purchase of American military equipment for the new Bundeswehr. In six years these agreements have brought the United States $3 billion in sales to West Germany.

The idea soon became too attractive not to apply world-wide. The sales program was a natural outgrowth of the multi-billion dollar military grants program of the 1950's and growing Congressional pressure in the 1960's to stop giveaways and the outflow of gold. Sales of just three supersonic planes—the F-4 Phantom, the F-104 Starfighter and F-111—have brought the Treasury just under $3 billion.

The advantages to the American armaments industry are manifest. The one big deal last year with Britain for the purchase of 50 F-111's, F-4's, and C-130 Hercules Transports for $2.5 billion over twelve years netted remunerative contracts for General Dynamics, McDonnell, and Lockheed Aircraft—besides saving the British about $1 billion in research-and-development costs. In a speech in Los Angeles in the spring of 1966 Kuss estimated that his sales had yielded $1 billion in profits for American industry so far and 1.2 million man-years of employment spread throughout the country.

In these little gatherings Kuss is at his salesman's best. He often sounds like a baseball coach delivering pep talks to his lagging team. At a luncheon of the American Ordnance Association last year he held out the prospect of a $100 billion—"one hundred thousand million dollars," he underlined it—world arms market by 1971. Regretfully, he lamented, only twenty major American companies were competing.

On his reckoning, seventy percent of all ordnance companies were "Class C" leaguers waiting for the business to come to them rather than going out to find it. Only ten percent of eligible companies were in the "Class A League," taking advantage of Government expertise and credit systems to help them sell arms abroad.

This Kuss "helping mechanism" is a study in informal efficiency. He has sponsored a Defense-Industry Advisory Council Committee on Military Exports to keep private business abreast of opportunities. His own office staff of twenty-five civilians is divided into six teams which each cover separate foreign geographic areas. Out in the field these teams draw on Military Assistance Groups (MAG's) for information gained in daily contacts with foreign military establishments. Each of the three services also maintain central arms-sales offices in the Pentagon to backstop the Kuss operation.

Many long-term intangibles are offered as a powerful lure to buy American. Besides the obvious saving in research-and-development, the foreign government receives a guarantee for maintenance and spare parts for each piece of equipment it buys. In 1966 the Pentagon sold $80 million in these services throughout the world.

Training of foreign personnel in the use of modern military equipment is another American sales asset. During the past five years, for West Germany alone, the United States has trained 2,000 pilots, 16,000 technicians, and 3,000 Navy personnel. The overall Pentagon sales operation has been so successful—accounting for fifteen to twenty percent of all defense exports within the free world—that in June, 1965, British Prime Minister Harold Wilson was moved to complain at a NATO foreign ministers meeting in London that "high pressure salesmanship of the Americans" had "unbalanced the situation" in the Atlantic Alliance.

But the greatest lure of all to the underdeveloped world, the one which Congress is now attacking, is easy credit. In 1957 the Defense Department requested and received from Congress the authority to set up a revolving credit fund to provide direct loans or to guarantee bank loans to deserving customers. Each year Congressional appropriations, plus repayments, expanded the fund. Today it stands at $384 million. Furthermore, in 1961 Congress approved a change whereby each dollar of the fund can underwrite four dollars in loan guarantees so that the $384 million in fact can support purchases of up to $1,536,000,000 in arms. The loans usually bear 3½ per cent interest (compared to 5½ per cent on conventional loans) and permit ten years to repay (compared to three years).

This year Congress wakened to the fact that the Pentagon is using the Export-Import Bank for many of these easy-credit loans to poorer nations. The device is the so-called "Country X" account, in which the Bank earmarks given amounts for Pentagon-arranged loans where repayment is guaranteed from the arms-sales credit account. Until Congressional investigators disclosed the identity of the recipient nations, the Export-Import Bank had not known—and said it did not wish to know—which foreign purchaser used which loan for what.

Administration witnesses have told Senate committees that since 1963 the Bank has lent $2.6 billion to developing foreign countries in this manner. In just the past two years the $591-million the Pentagon obtained from the Bank through the "Country X-accounts" was lent to fourteen countries for purchase of U.S. arms. Four are countries in the Middle East tinder-box: Iran, Saudi Arabia, Jordan, and Israel. Five are in Latin America: Brazil, Argentina, Peru, Chile, and Venezuela. Three are in Asia: Pakistan, India, and Malaysia. The others are Morocco and Taiwan.

The disclosure that the Export-Import Bank was so heavily involved in the arms traffic—more than one-third of its loan business goes for the purchase of U.S. military hardware by foreign nations—shocked many members of Congress. The bank has been shy about showing its martial side. Its annual report carries many words and pictures that tell a glowing story of its significant aid in the building of the economies of recipient countries—but not a word about its quiet assistance in the helping poor countries build military establishments.

The recent disclosure of this Export-Import Bank role resulted in Congressional clamor to stop the bank from turning into an "arms bank" and to get the Pentagon out of the "banking business." By a single vote the Senate in August voted to revoke the Pentagon's arms-sales credit fund and return its funds to the Treasury by December 31. The House of Representatives followed suit with an amendment to the foreign aid authorization bill ending Pentagon rights to give easy credit. Despite vigorous lobbying by the Administration, all the way up to the Joint Chiefs of Staffs, and pleas to leave the President flexibility in arms competition with the Soviet bloc, there is mounting Congressional sentiment against direct or indirect military aid to poor nations. The Senate also voted to put a new ceiling of $25 million a year on total grants and sales to all of Africa, and lowered from $85 million to $50 million an identical ceiling for Latin America.

The revelations regarding U.S. Government financing of arms exports to the poorer nations also drew wide criticism in the press. Kuss defended the policy in a letter replying to sharp editorial criticism in the *St. Louis Post-Dispatch*. In its rejoinder to Kuss, the *Post-Dispatch* made this comment:

"We do not find the defense convincing. Much of it seems to rest on the proposition that the Pentagon does not sell arms unless the client proves that he really wants them. That does not get to the heart of the matter at all. Narcotics addicts unquestionably want drugs very badly, but this would hardly justify the U.S. Government's setting itself up as a drug peddler."

Administration testimony on Capitol Hill has confirmed disturbing lapses in controlling the spread of surplus American-supplied equipment piling up abroad. In practice Kuss closely coordinates selling decisions with his opposite in the State Department, the Deputy Assistant Secretary of State for Politico-Military Affairs, and confers with a number of second-echelon officials.

But one gnawing problem now being pondered is what happens to all these weapons after they are sold, when they become obsolete and our industrialized allies come under heavy pressure to sell them in order to buy still more modern weapons. Such is the

case with 5,000 M-47 tanks in Germany, which will be obsolete by 1972, and about 1,000 fighter-bombers in Europe. Arms bureaucrats live with the nightmare of preventing these weapons systems from filtering through to the underdeveloped world.

A case in point are the ninety Saberjets which suddenly turned up on Pakistani airfields last October and November. Here was a major embarrassment to the United States, as Kuss admitted before Senator Stuart Symington's subcommittee the following March. The Indian press loudly claimed violation of the total American arms embargo imposed on both India and Pakistan after the 1965 war.

But these old-style jets were neither sold nor manufactured by the United States. They belonged to Iran, which had just bought them from West Germany for $22 million, which in turn had bought 225 of them from Canada in 1957, which had been manufacturing them—under American license—since 1949. The purchasing officer for the Iranian army had made the deal with the Merex Corporation in Bonn, agent for the German government. German Luftwaffe pilots had flown the planes in lots of six to Iran. Kuss testified that they were then sent to Pakistan, "allegedly for repairs," and the Pentagon did not know how many were still there.

The Indian protests set off a diplomatic scramble. Under the licensing agreement between Canada and North American Aircraft Corporation in 1949, the U.S. Government had to approve all sales and re-sales of the Saberjets manufactured in Canada. This "end use agreement" is the main legal tool for insuring that weapons do not fall into unfriendly hands. In this case, the State Department queried the Canadians, who confronted the Germans about the violation of the contract. Though the Germans claimed ignorance of what Merex Corporation had done, and the U.S. Embassy officials spoke to the Shah of Iran, the Senate testimony makes clear that Iran—with German knowledge—had acted on behalf of its Pakistani ally to circumvent the American arms embargo. The present whereabouts of all the Saberjets is still a mystery.

Critics conclude that the steady proliferation of generation upon generation of lethal weapons can only accelerate this illicit traffic—whatever the good intentions of the Government about skillfully managing "balancing sales" to the underdeveloped world. They conclude that the time has come to put a brake on the all-out arms exports program, whether or not Soviet competitors follow suit.

Representative Henry Reuss of Wisconsin reflected the concern of many of his colleagues when he noted that as a result of the growing export business in arms, "we're supporting both sides of practically every arms race on the globe." And Senator Fulbright added: "I do not know what the answer is, but it seems to me the United States ought to be the one taking some initiative to try to stop the arms race. The most powerful nation has an obligation to take the risk in the first place."

CORRECTION OF AN ERROR IN THE FOREIGN RELATIONS COMMITTEE'S REPORT ON SENATE RESOLUTION 187

Mr. FULBRIGHT. Mr. President, there has been called to my attention by the distinguished former Senator from Utah, Arthur V. Watkins, an error in the Foreign Relations Committee's report on Senate Resolution 187. The report in its present form states that no voices of dissent were raised in Congress at the time of President Truman's decision to send armed forces to Korea in June 1950. In fact, Senator Watkins did question the President's constitutional authority to take the action that he took without consulting Congress. I ask unanimous consent to have inserted in the RECORD Senator Watkins' letter to me and my reply thereto. These letters make clear the mistake that was made in the committee's report and indicate how the report should have read.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ARLINGTON, VA., *December 4, 1967.*

Hon. J. WILLIAM FULBRIGHT,
Chairman,
Senate Foreign Relations Committee,
Washington, D.C.

DEAR SENATOR: Near the bottom of page 16 of the Foreign Relations Committee Report accompanying S. Res. 187, just issued, I call your attention to the following language: "Voices of dissent were raised in Congress but not at the time of Truman's action."

On the day of Truman's "action" Scott Lucas, Democratic Majority Leader, announced at the opening of the Senate session that President Truman had ordered our armed forces to support the South Koreans against North Korea. Senator Jim Kem of Missouri immediately protested Truman's action. I came into the Senate Chamber a few minutes later (Kem had just left the chamber) when Lucas was just finishing the announcement and I inquired about the matter and entered my protest. My protest was strong enough that one of my Democratic critics in Utah bought newspaper space to carry the message to the people of my State that "Watkins fiddles while the world burns." This article stirred up a lot of feeling against me.

In the close of my colloquy with Senator Lucas he asked me what I would do if I were the President. My answer was:

". . . I would have sent a message to the Congress of the United States setting forth the situation and asking for authority to go ahead and do whatever was necessary to protect the situation." (Cong. Record, June 27, 1950, pp. 9229–9232)

Had that course been followed there would have been a debate in Congress which could have covered all the necessary ground on either intervening or not intervening. I'm sure the debate would not have been one sided.

It seems to me that something should be done to clear up the error in the Committee Report. I am sure the Committee would not want to close the record with this glaring historical mistake standing unchallenged.

In closing, I know this must have been an oversight. I am certain it was not deliberate.

With kind regards, I am,

Sincerely,

ARTHUR V. WATKINS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., December 8, 1967.

Hon. ARTHUR V. WATKINS,
Arlington, Va.

DEAR SENATOR: I wish to apologize for the error contained in the Committee's report on S. Res. 187 regarding President Truman's decision to send armed forces to Korea in June 1950. I have reread the pages from the RECORD which you cited and you are of course quite right in pointing out that you did indeed raise the question of the President's constitutional authority to intervene in Korea without consulting Congress.

The error was due to an omission of research on the part of the Committee staff. I have instructed the staff, in the event that the report is reprinted, to strike out the first sentence in the last paragraph on page 16, which now reads:

"Voices of dissent were raised in Congress, but not at the time of Truman's action."

And to insert in place thereof the following language:

"Scarcely a voice of dissent was raised in Congress at the time of Truman's action. Senator Watkins of Utah questioned the authority of the President to commit the country to war without consulting Congress, even in compliance with a recommendation of the United Nations Security Council, and said that, if he were President, he '. . . would have sent a message to the Congress of the United States setting forth the situation and asking for the authority to go ahead and do whatever was necessary to protect the situation.' "

I appreciate very much your calling this error to my attention. In order to further correct the record I intend to insert both your letter and your reply in the CONGRESSIONAL RECORD.

With every good wish,

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

Mr. FULBRIGHT. Mr. President, I deeply regret that mistake. It was clearly an inadvertence on the part of the staff in its research on what took place at the time referred to by former Senator Watkins. Senator Watkins has been one of the most careful and astute students of the Constitution and the proper relation between Congress and the executive who has ever served in this body.

ORDER FOR YEA-AND-NAY VOTE ON CONFERENCE REPORT ON FOREIGN AID APPROPRIATION BILL

Mr. SYMINGTON. Mr. President, I ask unanimous consent that when the conference report on the foreign aid appropriations bill comes back from the House, there be a yea-and-nay vote on the question of the adoption of the report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE WAR AND ITS EFFECTS—I

Mr. FULBRIGHT. Mr. President, as the long congressional session draws to a close, it seems appropriate to review some of the major events of the last year and their effects on the American people. Whatever else we might differ on, I think we will all agree that it has not been a happy year for Congress or for our country. The divisions among us are deep and the problems that beset us seem intractable. The center of our troubles is the war in Vietnam—a war which has isolated the United States from its friends abroad, disrupted our domestic affairs and divided the American people as no other issue of the 20th century has divided them. My remarks today comprise the first part of a two-part statement on the war and its principal effects, particularly its effects within our own country.

1. THE WAR

Recently, the St. Louis Cardinals demonstrated that they are a superior baseball team, but in the recent world series most Americans outside the St. Louis area itself rooted for the Boston Red Sox. Why was that? Was it because the Red Sox were better sports, or better players,

or better looking? Certainly not; the Cardinals matched their rivals on all these counts and in the end they showed themselves to be the stronger team. Why then could they not match the Red Sox in popular affection? Because they had committed one of the worst crimes in Christendom—the crime of being top dog. Top dogs are not very popular as a rule, just because there are so few of them. The underdogs are a vast majority in the world, and when, now and then, one of their multitude soars to the top in a sport or in politics or some other highly visible pursuit, millions of other underdogs take heart, catching as by electric impulse the magic message: that could be me up there, at bat or on the pitcher's mound or in the high councils of power.

Our heritage reinforces our instincts; most of us have been raised on David and Goliath and by the time we reach adulthood we have been thoroughly indoctrinated—one might even say brainwashed—in the belief that every time a little guy knocks down a big guy it is reason for rejoicing. Few people stop to think about the merits of the case, about the possibility that the top dog may have reached the heights by diligent and honest labor, or that his cause may be virtuous and true, or—unthinkable thought—that the little guy might just possibly be venal, self-seeking, or otherwise unworthy.

That is what the Cardinals were up against. Like the Yankees before them they had committed the crime of succeeding too well. They were Goliath; the Red Sox were David. They were the wicked stepmother; the Red Sox were Cinderella. The Cardinals were King John, the wicked queen, and General Cornwallis; the Red Sox were Robin Hood, Snow White, and George Washington. Their success was won by skill and courage and luck against overwhelming odds. They won in the only way that millions of underdogs could ever imagine themselves winning; and when in the end they lost, as had been probable right from the start, it seemed nonetheless as though something impossible had happened. Goliath had beaten David; the Prince had eluded Cinderella; and a million hearts were broken.

The United States is not the St. Louis Cardinals; the Vietcong are not the Red Sox; and the war, God knows, is not a game. But there is something pertinent in the metaphor.

America is top dog in the world, and, although we may be convinced that we are good top dogs, most people around the world are convinced that there is no such thing. Because we are rich, we are perceived as voracious; because we are successful, we are perceived as arrogant; because we are strong, we are perceived as overbearing. These perceptions may be distorted and exaggerated, but they are not entirely false. Power does breed arrogance and it has bred enough in us to give some substance to the natural prejudices against us. Much to our puzzlement, people all over the world seem to discount our good intentions and to seize upon our hypocrisies, failures, and transgressions. They do this not because we are Americans, but because we are top dogs, and they fear our power. They are frightened by some of the ways in which we have used our power; they are frightened by the ways in which we might use it; and most of all, I suspect, they are frightened by the knowledge of their own inability to withstand our power should it ever be turned upon them. They are, so to speak, tenants in the world at our sufferance, and no amount of good will on our part can ever wholly dispel the anxiety bred by the feeling of helplessness.

What do these feelings about American power have to do with the war in Vietnam? They go far, I think, to explain why our war policy commands so little support in the world. Anxiety about America's great power predisposes people, even against their better judgment, to take satisfaction in our frustrations. The French, for example, who well understand the importance to themselves of America's weight in the world balance of power, nevertheless seem to derive some satisfaction from seeing half a million Americans fought to a stalemate by a rag-tag army of Asian guerrillas. Seeing the Americans cut down to size like that is balm for the wounds of Dienbienphu, salve for the pride that was lost in the days of the Marshall plan when France survived on American generosity. If our military failures in Vietnam have this effect on the French, as I believe they do, think what they must mean to the real underdogs of the world, to the hundreds of millions of Asians, Africans, and Latin Americans who can easily identify themselves with the Vietcong guerrillas but could never see themselves in the role of the lordly Americans. There may even be people in our own country who feel some sneaking respect for a resourceful enemy, an enemy who, in a curious and purely emotional way, may even remind them of the rag-tag American revolutionaries who humbled the mighty British Empire almost 200 years ago.

Such attitudes, it will be argued, are irrational and unfair, and so, in large measure, they are. People, it will be said, should be rational and should act on their interests, not their emotion, and so indeed they should. But they do not. I might be able to think up some good reasons why elephants should fly, but it would not be rewarding; elephants cannot fly, and there is nothing to be done about it. So it is with men; they ought to be cool and rational and detached but they are not. We are, to be sure, endowed with a certain capacity for reason, but it is not nearly great enough to dispel the human legacy of instinct and emotion. The most we can hope to do with our fragile tool of reason is to identify, restrain and make allowance for the feelings and instincts that shape so much of our lives.

That brings me to one of the most important of the many flaws in our war policy in Vietnam—its failure to take account of people's feelings and instincts, especially those pertaining to top dogs and underdogs. American policy asks people to believe things that they are deeply reluctant to believe. It asks them to believe that the world's most powerful nation is not only strong but is motivated by deeply benevolent and altruistic instincts, unrelated even to national interests. Even if that were true—and on occasion it probably has been true—nobody would believe it because nobody would want to believe it.

This is an extremely serious problem for the United States because the success of its stated policy in Vietnam ultimately depends less on winning for its own sake than persuading the world that American aims are indeed what American policymakers say they are. That is the case because the war, as often explained by the Secretary of State and by others in the administration, is said to be an exemplary war, one that will prove to the Communists, especially China, that wars of liberation cannot succeed, and prove to the rest of the world that America will not fail to honor its commitments, to whomever made and for whatever purpose. It is a war—so say our policymakers—to inspire confidence in the United States and prove certain points, and once these points are proven, it is said we will withdraw—within 6 months of a peace settlement, said President Johnson at Manila.

These being our stated aims, the success of our policy depends in great part upon whether people believe that our objectives are what we say they are. You cannot make an object lesson out of a war if people do not believe that is what you are trying to do; you cannot prove a point if people do not believe that you mean what you say.

Setting aside for a moment the question of whether American purposes are really what American policymakers say they are, it is apparent that much or most of the world believes that they are not. I do not think that very many people, least of all the Vietcong and the North Vietnamese, believe that we plan to withdraw from Vietnam as soon as arrangements for self-determination are made, arrangements which could result in the establishment of a Communist government. I do not think that very many people, least of all the Asians, Africans and Latin Americans for whose benefit the example is supposedly being set, really believe that, with virtually no help from the presumed beneficiaries, America has sacrificed more than 13,000 lives and spent $90 billion—thus far—simply to set their minds at rest about America's determination to come to their assistance should they ever be threatened with Communist attack or insurrection. Insofar as they do not believe us our war policy is a failure, neither setting the intended example nor proving the stated point.

Why do they not believe us? Largely, I believe, for the reasons already discussed. Resenting our power and feeling a natural affinity for a tenacious underdog, millions of people all over the world do not believe us because they do not want to believe us. Even people whose hard judgment may tell them that an American defeat would be damaging to their own interests may nonetheless take secret pleasure in seeing a Vietnamese

David seeming to cut the American Goliath down to size.

Prejudice is not the only basis of worldwide skepticism about American intentions. The war after all is not going well and, even if our sincerity were granted, our success could not be. Far from proving that wars of national liberation cannot succeed, all that we have proven so far is that, even with an army of half a million men and expenditures now approaching $30 billion a year, we are unable to suppress this particular war of national liberation. Far from demonstrating America's willingness and ability to save beleaguered governments from Communist insurgencies, all that we are demonstrating in Vietnam is America's willingness and ability to use its B-52's, its napalm and all the other ingenious weapons of "counterinsurgency" to turn a small country into a charnel house. Far from inspiring confidence and support for the United States, the war has so isolated us that, despite all our alliances and the tens of billions we have spent on foreign aid, we cannot, according to the administration, get nine out of 15 votes to put the Vietnam issue on the agenda of the United Nations Security Council. Far from demonstrating America's readiness to discharge all of its prodigal commitments around the world, the extravagance and cost of Vietnam are more likely to suggest to the world that the American people will be hesitant indeed before permitting their Government to plunge into another such costly adventure.

There are already signs of such a reaction. In the days before the June war in the Middle East, for example, strong and virtually unanimous sentiment was expressed in the Senate against any unilateral American military involvement in that part of the world. If America ever does withdraw into the neoisolationism of which our policymakers are so fearful, it will not be because of the influence of those of us who advocate selectivity in foreign commitments, it will be in reaction to the heedless interventionism of Vietnam.

Still another reason why some of our stated purposes are disbelieved is the simple fact of their implausibility and inconsistency. It is implausible to contend that we are defending a valiant democracy when everyone knows that the Saigon generals can inspire neither the loyalty of their people nor the fighting spirit of their sizable army. It is implausible to contend that an act of international aggression has taken place when it is clear that the war began as a civil war within one-half of a divided country abetted by the other half and did not become an international war until the United States intervened. It is implausible to argue, as the distinguished minority leader did some weeks ago, that, but for the war in Vietnam, the west coast of the United States would be exposed to attack, when the U.S. Navy and Air Force are virtually unchallenged over the entire Pacific Ocean.

Finally, it is implausible and inconsistent, on the one hand, to maintain that the United States seeks only to assure self-determination for the South Vietnamese people and will withdraw within 6 months of a peace settlement and, on the other hand, to assert that our real purpose is to protect a billion Asians from the power of a billion Chinese armed with nuclear weapons. If the latter is the American purpose, if the real enemy is not the Vietnamese guerrilla army but Asian communism with its headquarters in Peking, then we are likely to have to remain in Vietnam indefinitely, all the more so because most of the presumed beneficiaries of our intervention, including the three greatest nations among them—India, Japan, and Indonesia—show not the slightest inclination to take over even a small part of the military burden.

So implausible and so inconsistent are the statements about one principle or another that is supposed to be being vindicated in Vietnam that one comes to feel that what our policymakers are really trying to vindicate is their own judgment in having led us into this war in the first place. Even Ambassador Edwin O. Reischauer, an Asian expert and a temperate man who supports the current policy because he sees little prospect of a negotiated peace, recently expressed fundamental disagreement with the administration's rationale for the war.

It seems highly probable—

Says Reischauer—

that Ho's Communist-dominated regime, if it had been allowed by us to take over all Vietnam at the end of the war, would have moved to a position with relation to China not unlike that of Tito's Yugoslavia toward the Soviet Union. Wars—

He writes—

sometimes seem justified by their end results, but this justification hardly applies to the Vietnam war. Even the most extravagantly optimistic outcome would still leave far greater losses than gains. It is doubtful—

He adds—

that even a favorable outcome to the war would do much to deter Communist subversion in other less developed countries. Instead of being discouraged by our ultimate victory in Vietnam, would-be revolutionaries might be encouraged by the obvious pain of the war to the United States and the clear reluctance of the American people to get involved in further wars of this type. I have no doubt—

He concludes—

that if those who determined American policy toward Vietnam had foreseen even dimly the costs and futilities of the war, they would have made different choices at several times in the past and thus avoided the present situation, with only trifling costs, if any, to American interests.[1]

In recent weeks, General Westmoreland and other administration spokesmen have been making optimistic statements about victory being in sight. This is not the first time that optimistic predictions have been made, but it is of course possible that this time they may be right, that Ho Chi Minh will surrender or die or the Vietcong will collapse or just fade into the jungle. Even in that event, it should not be supposed that the American commitment would be at an end; we would still be the sole military and economic support of a weak Saigon regime, at a cost of perhaps $10 billion or $15 billion a year. This of course would assume—as we cannot safely assume—that the Chinese and Russians would do nothing to prevent the collapse of the Vietcong or of North Vietnam. But even if these most optimistic prospects should be realized, grateful for peace though we would be, we would still have little to be proud of and a great deal to regret. We would still have fought an immoral and unnecessary war; we would still have passed up opportunities which, if taken when they arose, would have spared us and spared the Vietnamese the present ordeal, and done so, as Professor Reischauer says, "with only trifling costs, if any, to American interests."

For all these reasons, much of the world and an increasing number of our own people are deeply skeptical about the American purpose in Vietnam. Underlying the skepticism is deep disappointment, a feeling that America has betrayed its own past and its own promise—the promise of Roosevelt and the United Nations and of Wilson and the League but, most of all, the promise of the American Revolution, of free men building a society which would be an example for the world. Now the world sees that heritage being betrayed; it see a nation which seemed to represent something new and hopeful reverting instead to the vanity of past empires, each of which struggled for supremacy, each of which won and held it for a while, each of which finally faded or fell into historical oblivion.

We are in this respect a disappointment to the world but, far more important than that, a disappointment to ourselves. It is here at home that the traditional values were formed, here at home that the American promise was born, and it is here at home—in our schools and churches, in our cities and farms, in the hearts and minds of our people and their chosen leaders—that the American promise will finally be betrayed or resurrected.

THE DISSENTERS

Like delicate instruments which detect the sounds that escape the human ear or reveal the microscopic life that evades the human eye, the youth of a society have a special sensitivity to its health and morals. More acutely than their elders they demand authenticity in their country's values and integrity in its leadership. When they sense that these are lacking, they are disappointed and are likely to become cynical or apathetic; when they feel sure of the loss of authenticity and integrity, they are likely to become angry and alienated. There are many reasons for the current anger and alienation of so many of our young people, but the root cause is the war, which in the words of two Berkeley graduate students, "has soured the hopes of the early sixties and transformed a large segment of American student youth from idealistic supporters of the Government to bitter and disillusioned antagonists."—Simon R. Green and Judd L. Kahn, "The Effects of the War

[1] "What Choice Do We Have in Vietnam?" Look magazine, September 19, 1967, p. 27.

in Vietnam on American Students," pages 6–7.

It is a mistake to suppose that student disillusion and anger is confined to a handful of hippies and radicals of the new left. In December 1966, a group of student leaders from 100 colleges and universities wrote a letter to President Johnson expressing deep anxiety about the war and warning that, if the administration stayed on its present course, "the United States will find some of her most loyal and courageous young people choosing to go to jail rather than to bear their country's arms, while countless others condone or even utilize techniques for evading their legal obligations." In March 1967, 800 former Peace Corps volunteers wrote to President Johnson expressing their fear that the administration's Vietnam policy might result in a loss of enthusiasm for the Peace Corps—as indeed it seems to have, judging from the marked decline in the number of volunteer applicants. The letter went on to speak of the "erosion of trust in our Government which that policy is causing among Americans who, like us, want to believe in the high purpose and constructive world role of the United States."

I used to hope—and I have not yet entirely given up hope—that protest against this most divisive and unpopular war would be kept within institutional channels by making these channels available as forums of public discussion. It was in large part for this purpose that the Foreign Relations Committee began holding public hearings on the war in early 1966. It was my hope at the time that the dissent which was then taking the form of "teach-ins" and student rallies would be kept orderly and lawful by allowing it, along with all other pertinent viewpoints, to be expressed in a congressional committee.

That hope has not been realized and the reason why it has not now seems clear. Dissenters do not dissent for the mere pleasure of hearing themselves orate, or of being seen on television, or of enjoying the democratic right of free speech. They dissent because they wish to have an impact on events, because they wish to bring about changes in their Government's policies. Some of the more dogmatic, it is true, probably could not be satisfied with anything less than total compliance with their wishes, but most of us who regard this war as a tragic mistake would settle for a great deal less. We would settle for an honest and sustained effort to make a compromise peace through a new Geneva conference, or through direct discussions between the Saigon government and the Vietcong.

A year and a half ago, the dissenters seemed ready enough to have their views—as well as those of the administration—expressed before the Senate Foreign Relations Committee and by other orderly means. Now they are no longer satisfied because these means have been shown to be ineffective. Instead of demonstrating that a degree of change could be accomplished through traditional democratic processes, the hearings held before the Foreign Relations Committee have demonstrated—thus far—that the administration is as unreceptive to the views of Senators, experienced diplomats, and eminent scholars as it is to the views of the young firebrands of the new left.

Because the recent hearings before the Senate Foreign Relations Committee have not resulted in changes of Government policy, the dissent is becoming disorderly and, however much we may call upon the young dissenters to be temperate, however much the administration may try to distinguish between responsible dissent and what the President in his recent press conference called "storm trooper bullying," our pleas are unlikely to be persuasive as long as it is apparent that, no matter what the dissenters say, or how they say it, their views will be ignored.

In making the distinction between orderly dissent, of which it professes to approve, and disorderly dissent, of which we all disapprove, the administration seems unable to understand that it is the futility of the one that has given rise to the other. Even in expressing its willingness to hear the advice of its critics, the administration makes it clear that it has ignored that advice and will continue to ignore it. As the President said in his press conference on November 18:

> I can't say that these various proposals that range from a Senator to a county commissioner to a Mayor of a city have really changed General Westmoreland's plan much or Ambassador Bunker's proposals.

Nor has the administration done very much to foster or even permit the responsible dissent which it professes to "insist on" and "protect." The Secretary of State has not testified on the war in public session of the Foreign Relations Committee since January 28, 1966, and has repeatedly refused invitations to do so, despite the fact that it would give the administration as well as its critics the opportunity to explain their views to the American people. Closed meetings of the committee, which the Secretary says he prefers for reasons of security, are no substitute for public hearings. No one would expect the Secretary to reveal any military secrets in a public hearing, any more than he does in his press conferences and numerous public speeches. What we would expect is an accounting to the people of the administration's judgment and purposes under close questioning by the people's elected representatives. I can think of no more orderly and responsible way to conduct a democratic dialog. The unwillingness of the administration to participate in such a dialog is almost certainly a factor in the angry demonstrations which are taking place with increasing frequency.

A final point needs to be made about this matter of dissent. The administration seems to have the idea that we all ought to be grateful for its restraint in permitting us to express our views.

> We don't stop the publication of any papers. We don't fine anyone for something they say—

The President reminded the reporters at his press conference on November 17. For my part, I should like to make it clear that I am not the slightest bit grateful to the administration for my freedom of speech. That freedom is an inalienable right which the American people reserved to themselves when they established a constitutional government. It is not the people's freedom which is a gift from their Government but the Government's authority which is a gift from the people, a retractable trust to be discharged at their pleasure

When the Government abstains from suppressing dissent, it is doing nothing more than complying with one of the explicit conditions of its constitutional trust. That is not a thing for which gratitude is owed.

That, Mr. President, concludes the first half of my statement. Within the next week or so, I shall ask for the floor again in order to continue my review of the war's effects on American life. At that time I will comment on the growing military-industrial-academic complex, the mounting crisis of poverty, and the relationship of these problems to the central question involved in Vietnam, which is whether the United States is going to become a traditional world empire or will remain true to the traditional ideal of America as an example to the world.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may have 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I want to commend the distinguished chairman of the Foreign Relations Committee for the exceptionally fine address he has made this morning. Most of the words spoken on this floor are soon buried in the stillness of the CONGRESSIONAL RECORD and never reflected upon afterward, but I think that when the history of this period is written, the words spoken by the distinguished Senator from Arkansas will be savored and remembered.

No one has stated the case against this war in Vietnam with greater logic or effectiveness. When most of the rest of us are long forgotten, the Senator from Arkansas will be remembered respectfully by the people of this country.

Mr. FULBRIGHT. I appreciate very much the words of the Senator from Idaho, but I am quite certain that the contribution the Senator from Idaho has made to the debate on this most tragic involvement of our country will be as remembered as that of anyone in the Senate, because he has made a contribution both in his speeches and especially in the legislation which bears on this matter. I wish to express my appreciation for what he has done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. Pres-

ident I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the Subcommittee on Business and Commerce of the Committee on the District of Columbia be permitted to meet during th session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, is the Senate still in the period designated for the transaction of routine morning business?

The PRESIDING OFFICER. The Senator is correct.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements during the transaction of routine morning business be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On December 5, 1967:

S. 1031. An act to amend further the Peace Corps Act (75 Stat. 612), as amended.

On December 6, 1967:

S. 706. An act to amend section 27 of the Shipping Act, 1916.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF NEGOTIATED CONTRACTS OF NATIONAL AERONAUTICAL AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautical and Space Administration, transmitting, pursuant to law, certain required information with respect to contracts negotiated by the National Aeronautics and Space Administration, for the period January 1, 1967, through June 30, 1967 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a review of Federal financial participation in administrative costs of public assistance programs in certain counties of California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated December 6, 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, potential economies and improvements in service through modernization of the Postal Field Service, Post Office Department, dated December 7, 1967 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 2

"CHAPTER------

"Assembly Joint Resolution No. 2—Relative to the Captain Charles M. Weber Memorial Foundation

"Whereas, The Captain Charles M. Weber Memorial Foundation, a nonprofit, educational, California corporation, has been associated for the past 20 years with the Legislature of the State of California in the field of conservation and planning; and

"Whereas, During the past 35 years, Charles M. Weber, a civil engineer, has been a leader in the movement to establish research, fact-finding, and planning procedures in national, state, and local government; and

"Whereas, A former Member of the California Legislature for 16 years, he has been authorized by the Legislature for the past 17 years to plan, advise and report to it in the field of conservation and planning; and

"Whereas, The Captain Charles M. Weber Memorial Foundation, under the leadership of President Charles M. Weber, has contributed substantial amounts of moneys and services to the State of California in connection with the preparation of various reports relative to a statewide, comprehensive plan for basin development and public works, particularly in the field of water resources and water pollution control; and

"Whereas, The State Senate, by the adoption of Senate Resolution No. 376 of the 1967 Regular Session, has again granted Charles M. Weber certain powers and duties in regard to such studies and has broadened the scope of these studies; and

"Whereas, The Captain Charles M. Weber Memorial Foundation is under the joint direction of F. Z. Pirkey, B.S., M.C.E., LL.D., Colonel of U.S. Corps of Engineers (Retired), and formerly in charge of research and development in the office of the Chief of Engineers, U.S. Army; John W. Greene, former Director of Public Relations, Office of Defense Mobilization, former consultant, California Department of Water Resources, director and general manager of research, public relations, financing and publicity, Weber Foundation; and Charles M. Weber, B.S., C.E., M.C.E.; and

"Whereas, The foundation, whose responsibilities are now rapidly expanding, has filed an application with the Office of Water Resources Research of the United States Department of the Interior for a substantial grant of funds to support the performance of such responsibilities; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to take such steps as may be necessary to ensure that the application of the Captain Charles M. Weber Memorial Foundation to the Office of Water Resources Research of the United States Department of the Interior for a grant of funds be given immediate consideration, and that such funds be granted as requested in order that the vitally important work of the foundation may be continued; and be it further

"Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Representatives, Commonwealth of Pennsylvania; to the Committee on the Judiciary:

"HOUSE RESOLUTION No. 135

"Resolved (the Senate concurring), That the General Assembly of Pennsylvania memorialize the Congress of the United States to support and enact into legislation a bill placing the observance and celebration of George Washington's Birthday, Memorial Day, Independence Day and Veterans' Day on Monday; and be it further

"Resolved, That copies of this resolution be transmitted to the presiding officer of each house of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. Res. 189. Resolution to authorize certain additional studies by the Committee on Public Works (Rept. No. 906); referred to the Committee on Rules and Administration.

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, without amendment:

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as

amended, to authorize the transfer of peanut acreage allotments (Rept. No. 908).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 2511. A bill to maintain and improve the income of producers of crude pine gum, to stabilize production of crude pine gum, and for other purposes (Rept. No. 907).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 10864. An act to authorize the Secretary of Agriculture to convey certain lands in Saline County, Ark., to the Dierks Forests, Inc., and for other purposes (Rept. No. 909).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 8376. An act to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, N.Y., and Mineola, N.Y. (Rept. No. 911).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 11395. An act to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960 (Rept. No. 910).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

H.R. 10783. An act relating to crime and criminal procedure in the District of Columbia (Rept. No. 912).

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent that the report on H.R. 10783, reported earlier today by the Senator from Nevada [Mr. BIBLE] from the Committee on the District of Columbia, be printed, together with individual views.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of an amendment to a convention was submitted, without reservation:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Executive M, 90th Congress, first session, an amendment to article 28 of the Convention of the Intergovernmental Maritime Consultative Organization (Ex. Rept. No. 20).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE (for himself, Mr. MORSE, Mr. TYDINGS, Mr. METCALF, Mr. CLARK, and Mr. YOUNG of Ohio):

S. 2754. A bill to establish a Federal oil shale development program, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. PROXMIRE when he introduced the above bill, which appear under a separate heading.)

By Mr. PERCY:

S. 2755. A bill for the relief of Dr. Leon Zundel Resnekov, his wife, Carmella Resnekov, and their two children, Charles Dean, and Orna; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2756. A bill for the relief of Dr. Heldo Gomez and his wife, Olga Enrique Gomez; to the Committee on the Judiciary.

By Mr. MONTOYA:

S. 2757. A bill for the relief of Cheung Kwai Leung; and

S. 2758. A bill for the relief of Siu King; to the Committee on the Judiciary.

SEABEE ROBERT SCHMIDT WRITES TO SANTA CLAUS

Mr. BYRD of West Virginia. Mr. President, I have had forwarded to me by Mr. Jim Comstock, editor of the West Virginia Hillbilly, a letter to Santa Claus from a Seabee on duty in Vietnam.

In the letter, Seabee Robert Schmidt, who lives in California, asks St. Nicholas for an anti-Vietnam demonstrator.

Schmidt, I feel, makes several noteworthy promises to Santa about how he would treat such a demonstrator. I quote just two paragraphs from the letter:

> I promise, Santa, to always let him have his own way for as long as he lives; of course, that won't be very long if he insists on saying the things he said in the United States.
>
> The next time one of our patrols is attacked by the Cong, I'll let him run to the front to tell them he loves them and wants to help them.

I think, Mr. President, that Seabee Schmidt, in his bitter humor, probably speaks the thoughts of many of our boys who are fighting for their lives in the steaming Southeast Asian jungles. I hope that the letter will have some meaning to some of the young persons who march through our streets protesting the war and who thus encourage the enemy to hold out against Seabee Schmidt and the other American boys who are fighting alongside him.

I ask unanimous consent that Seabee Schmidt's letter, which was reprinted in the Hillbilly and the Charlottesville, Va., Daily Progress, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER TO SANTA

To the EDITOR:

The enclosed letter was recently published in the West Virginia Hillbilly and I think the readers of The Daily Progress will be interested in this letter to Santa from a Seabee in Vietnam.

BOB GARVER.

Mrs. Vera Schmidt of 2713 Garrow Drive has received a letter from her son, Robert, a Seabee in Vietnam, who enclosed an additional letter for her inspection.

The special letter, written by Robert and some of his friends is for Santa Claus, and follows:

"DEAR SANTA: This Christmas I have decided to ask for only one present. Since there is no snow here in South Vietnam, you can't land, so just gift wrap it and I'm sure the postal department will take care of the delivery.

"Santa, can you imagine the joy on my face when I open your gift and find the one thing I want most in the world—an anti-Vietnam demonstrator.

"At least I'd have someone all mine, to share my exciting experiences with. I promise I'll take 'Special' care of him. I'll give him a haircut (they all seem to need one) but I can't promise to keep him clean, because baths are pretty scarce over here. Besides, dirt seems to be a prerequisite for protesters; he should feel right at home.

"I'll share my bed—and sometimes inedible food with him. I'll share the diseases, the intense heat and the impossible steaming jungle. I'll share the misery of trying to identify their mutilated and tortured bodies that the Cong leave behind.

"I'll let him sit beside me in my waterfilled foxholes—waist-deep in mud and Santa, I'll be warm with the joy of giving this Christmas present you were thoughtful enough to send me a little hell.

"I promise, Santa, to always let him have his own way for as long as he lives; of course that won't be long if he insists on saying the things he said in the States.

"The next time one of our patrols is attacked by the Cong, I'll let him run to the front to tell them he loves them and wants to help them.

"Santa, for New Years this year, I have decided to ask you for another present. Do you think you could perhaps send all my buddies a demonstrator for their very own?

"I am a resident of California when I am not in Vietnam."

HUMAN RIGHTS CONVENTION

Mr. DODD. Mr. President, the week of December 10 through December 17 has been proclaimed by the President as Human Rights Week, and the year of 1968 as Human Rights Year.

While the Senate this year ratified the Supplementary Slavery Convention, I remind Senators that the Genocide and Freedom of Association Conventions, sent to the Senate in 1949 by President Truman, and the Political Rights of Women and Forced Labor Conventions, sent to the Senate in 1963 by President Kennedy, have not yet been acted upon.

I am at a loss to understand why after all these years only one of these conventions has been ratified by the Senate. Our laws conform with the provisions of these conventions; therefore, ratification would not require any change in our domestic legislation.

On the eve of Human Rights Week, I should like to notify Senators that in the second session of the 90th Congress I plan to bring to the floor for Senate consideration the Political Rights of Women Convention and the Forced Labor Convention. In addition, I am hopeful that hearings can be held on the Genocide Convention. To quote President Johnson:

> American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.
>
> It is my continuing hope that the United States will ratify these Conventions. This would present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

Mr. President, I ask unanimous consent that a table showing the actions that have been taken by member countries of the United Nations be printed in the RECORD and that the President's proclamation concerning Human Rights Week and Human Rights Year also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

	Genocide	Freedom of association	Slavery supplement	Political rights of women	Forced labor
Afghanistan	X		X	X	X
Albania	X	X	X	X	
Algeria	X	X	X		
Argentina	X	X	X	X	X
Australia	X		X		X
Austria	X	X	X		X
Barbados		X			X
Belgium	X	X	X	X	X
Bolivia		X			
Botswana		X			X
Brazil	X		X	X	X
Bulgaria	X	X	X	X	
Burma	X	X			
Burundi					X
Byelorussia	X	X	X	X	
Cambodia	X		X		
Cameroon		X			X
Canada	X		X	X	X
Central African Republic		X		X	X
Ceylon	X		X		
Chad		X			X
Chile	X		X	X	
China	X		X	X	X
Colombia	X				X
Congo (Brazzaville)		X		X	
Congo, Democratic Republic	X	X			
Costa Rica	X	X		X	X
Cuba	X	X	X	X	X
Cyprus		X	X		X
Czechoslovakia	X	X	X	X	
Dahomey		X			X
Denmark	X	X	X	X	X
Dominican Republic		X	X	X	X
Ecuador	X		X	X	X
El Salvador	X				X
Ethiopia	X	X			
Federal Republic of Germany	X	X	X		X
Finland	X	X	X	X	X
France	X	X	X	X	
Gabon		X		X	X
Gambia					
Ghana	X	X	X	X	X
Greece	X	X		X	X
Guatemala	X	X		X	X
Guinea		X			X
Guyana					X
Haiti	X		X	X	X
Honduras	X	X			X
Hungary	X	X	X	X	
Iceland	X	X	X	X	X
India	X		X	X	
Indonesia				X	
Iran	X		X		X
Iraq	X		X		X
Ireland		X	X		X
Israel	X	X	X	X	X
Italy	X	X	X		
Ivory Coast		X			X
Jamaica		X	X	X	X
Japan		X		X	
Jordan	X		X		X
Kenya					X
Kuwait		X	X		X
Laos	X		X		
Lebanon	X			X	
Lesotho		X			
Liberia	X	X			X
Libya					X
Luxembourg		X	X		X
Madagascar		X		X	
Malawi			X	X	
Malaysia			X		X
Maldive Islands					
Mali		X			X
Malta		X	X		X
Mauritania		X			
Mexico	X	X	X		X
Monaco	X				
Mongolia	X			X	
Morocco	X		X		X
Nepal			X	X	
Netherlands	X	X	X		X
New Zealand			X		
Nicaragua	X			X	
Niger		X	X	X	X
Nigeria		X	X		X
Norway	X	X	X	X	X
Pakistan	X	X	X	X	X
Panama	X	X			X
Paraguay		X			
Peru	X	X			X
Philippines	X	X	X	X	X
Poland	X	X	X	X	X
Portugal			X		X
Republic of Korea	X			X	
Republic of Vietnam	X				
Romania	X	X	X	X	
Rwanda					X
Saudi Arabia	X				
Senegal		X		X	X
Sierra Leone		X	X	X	X
Singapore					X
Somalia					X
South Africa					
Spain					
Sudan			X		
Sweden	X	X	X	X	X
Switzerland			X		X
Syria	X	X	X		X
Thailand				X	
Togo		X			
Trinidad and Tobago		X	X	X	X
Tunisia	X	X	X		X
Turkey	X		X	X	X
Uganda			X		X
Ukraine	X	X	X	X	
U.S.S.R.	X	X	X	X	
United Arab Republic	X	X	X		X
United Kingdom		X	X	X	X
United Republic of Tanzania					X
United States			X		
Upper Volta	X	X			
Uruguay	X	X			
Venezuela	X				X
Yemen					
Yugoslavia	X	X	X	X	
Zambia					X
Total ratifications	71	74	70	55	78

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS WEEK AND HUMAN RIGHTS YEAR

The year 1968 will mark the twentieth anniversary of the Universal Declaration of Human Rights by the United Nations—an historic document of freedom that expresses man's deepest beliefs about the rights that every human being is born with, and that no government is entitled to deny.

The United Nations has designed 1968 as International Human Rights Year. It has invited its members to intensify their domestic efforts to realize the aims of the Declaration.

Every American should remember, with pride and gratitude, that much of the leadership in the drafting and adoption of the Declaration came from a great American, Mrs. Eleanor Roosevelt. She was our first representative on the UN Commission on Human Rights.

Today, October 11, would have been her 83rd birthday. With the inspiration of her humanitarian concern still before us, I call the attention of our people to the Declaration she helped to author.

To Americans, the rights embodied in the Declaration are familiar, but to many other people, in other lands, they are rights never enjoyed and only recently even aspired to.

The adoption of the Declaration by the United Nations established a common standard of achievement for all peoples and all nations. These principles were incorporated into Human Rights Conventions, to be ratified by the individual nations.

American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended—and fights to defend—around the world.

It is my continuing hope that the United States Senate will ratify these conventions. This would present the world with another testament to our Nation's abiding belief in the inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, in honor of the ratification of the American Bill of Rights, December 15, 1791, and in honor of the adoption by the General Assembly of the United Nations of the Universal Declaration of Human Rights, December 10, 1948, do hereby proclaim the week of December 10 through 17, 1967, to be Human Rights Week and the year 1968 to be Human Rights Year. In so doing, I call upon all Americans and upon all Government agencies—federal, state and local—to use this occasion to deepen our commitment to the defense of human rights and to strengthen our efforts for their full and effective realization both among our own people and among all the peoples of the United Nations.

In witness whereof, I have hereunto set my hand this eleventh day of October, in the year of our Lord nineteen hundred sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.

LYNDON B. JOHNSON.

SOUTHEAST ASIA: PROSPECTS FOR THE FUTURE

Mr. FONG. Mr. President, A. A. "Bud" Smyser, editor of the Honolulu Star-Bulletin, has just returned from the Far East and Southeast Asia from where he reported his firsthand observations to his readers in Hawaii. As the American state most closely identified with Asia, Hawaii and her people have always maintained close relations with and had a deep concern about events of that region of the world.

Mr. Smyser very ably undertook to serve the informational needs of the people of Hawaii concerning this area. He shared his findings and impressions in the form of letters to his readers. They were informative and perceptive,

informal in style in order to give his readers a better understanding and appreciation of the current activities and mood in the vast and important region of the Pacific which he visited.

Mr. Smyser's final article, entitled "Southeast Asia: Dreams and Roads to Future," gives an excellent summary of the hopes, problems, positive factors, and possible answers to the complex problems with which Asia is faced. Mr. Smyser directed his inquiry toward "what can happen rather than what will happen" 20 or 30 years from now in that region.

Some of the problems that were discussed by the editor of the Star-Bulletin included Red China, the weak infrastructure in most of the Asian nations, the lack of adequate time to meet the rising expectations of the masses, the population explosion, racial and religious rivalries, border disputes, and the rural-urban schism.

Despite these obstacles to economic social, and political advancement and though the pitfalls to progress are many, Mr. Smyser feels that—

Asian progress is indeed possible; in fact, long overdue.

He goes on to say:

I thought I sensed in most nations a psychology of growing self-confidence, the psychology of breakthrough.

Mr. President, I commend the above-mentioned article written by Mr. Smyser to Senators and ask unanimous consent that it be printed in the RECORD, together with a chart accompanying the article entitled "How the Nations Compare in Size and in Wealth."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUTHEAST ASIA: DREAMS AND ROADS TO THE FUTURE

(By A. A. Smyser)

The vice-president of the United States of America thanked the pretty young Indonesian girl who had just danced for him and asked if she were married.

Yes. And did she have any children?

Yes, five, even though it is doubtful that she had yet reached her 20th birthday.

All over Asia populations are growing at tremendous rates. Women in many places seem like more than child-bearing machines.

After my own trip to 10 cities, children form one of the most vivid memories.

Togged and untogged. In school uniforms and out. Blocking traffic as they come from school. Being nursed on the back of a motorbike. Three sharing a bike with father. Huddling together under plastic sheets in the rain. Jumping for joy in ponds and puddles. Walking along paths between rice paddies.

Usually happy. Usually well fed. But living for the most part in homes poorer than the very poorest that Hawaii affords.

In some ways it was to learn about the children that I had gone to the Far East and Southeast Asia.

The foremost question I asked in each country as I made a familiarization tour was not "what is happening here today?" Rather I asked as many people as I could for their vision of the future. What can happen 10, 20 and 30 years from now in this area?

The emphasis was on what can happen rather than what will happen?

There is room for horrible pessimism as well as optimism.

The youngsters of today may be in the armies of tomorrow—raining bullets, rockets and nuclear bombs at each other.

International differences that seem petty today may be magnified tomorrow.

The stability we are fighting to win in Vietnam may be lost there or elsewhere.

But it was Takeshi Watanabe, president of the Asian Development Bank, who reminded me that "every successful man is an optimist" and the report that follows is the optimist's view of what can happen in this important part of the world.

Since Hawaii is to be an ever-closer neighbor of this area and since Hawaii can contribute in its own small way to the realization of the dreams of Asia, it behooves us to understand a bit about the problems and the possibilities, the aspirations and also the fears, of the Far East and Southeast Asia.

The last 10 years have been marked by the emergence in the area of aggressive communism. American doves may have trouble seeing the Communist threat. That trouble is no longer shared in the top echelons of government in Japan or Thailand or Laos or Malaysia or Singapore or Indonesia or Taiwan or South Vietnam or the Philippines.

Each has its personal reasons for recognizing the reality of the threat and for recognizing the American battle in South Vietnam as its battle.

The last 10 years also have been marked by a highly intensified world interest in this region of the world—and by this region's own emerging recognition of itself as a region.

Singapore and Malaysia, for example, used to look to London for guidance and support, while the Philippines looked to Washington.

Telephone and communication networks supported this artificial structure. Satellites in the sky will level it.

The emerging trend in Southeast Asia is for nations there to look more and more to each other. It is a trend the U.S. and other "have" nations welcome and are fostering.

HOPES

The hopes of Asia soar high.

Already one of the world's great industrial powers, Japan sees itself moving up to the level of living now enjoyed in the U.S.

Taiwan sees itself moving up in 10 or 15 years to the level of Japan today.

Even in flat-broke Indonesia, I heard expressions of hope that Indonesia can attain Taiwans' present level before too many years go by.

The pragmatic way in which aspirations are often expressed tends to underline what a U.S. general told me in Vietnam: "When I came here, I thought this was a political and social revolution. Now I think it's an economic one."

The goal of Asian nations, as I heard it expressed, is a better life. In many discussions, it somehow seemed less important that Red China's route to self-improvement has been a bloody one than that Red China's way has not worked.

When people spoke out about their own development problems the words that stood out were "stability" . . . "right policies" . . . "capital" . . . "good management."

PROBLEMS

The obstacles that stand in the way of progress are many and diverse. This survey includes neither India nor Communist China or that statement would have to be underlined by the roll of drums.

But even in the relatively rich nations of Southeast Asia or in Korea, or Hong Kong there is discouragement enough for any man.

China as a neighbor heads the list. A benign China would make everything easier. An aggressive, obstreperous one complicates all.

Climatic determinism figures in some thinking. Are the southern peoples too lethargic, too content with subsistence living to move actively in their own behalf? One friend answered that by pointing to peasants in Indonesian and Philippine rice fields who labor from dawn to dusk on their crops. Given incentives, the southerners can work as hard as northerners.

Infrastructure—meaning the trained people and organizational structure to provide political and social order—is a term much used in discussing Asian problems. One of the real problems is that political structures are weak and infrastructures thin throughout much of the area and most notably so in Vietnam and Indonesia.

Time is a factor. Will masses with rising expectations allow time for infrastructures to grow and strengthen, for governments to pursue and ripen wise policies?

Population control. It would be possible today if Oahu were flat to find standing room here for all the people of the world. In that light, population still seems manageable—but in some countries the expansion of food production and gross national product is running a losing race with the stork.

Rising nationalism—Will chauvinism cause short-sightedness and an emotional inability to act in the broader interest?

Racial rivalries—as between the Malays and Chinese in Singapore and Malaysia.

Religious rivalries—as between Buddhists and Catholics in Vietnam.

Border disputes—as between the Philippines and Borneo, or between Cambodia and its neighbors.

Rural-urban schisms—the feeling in many nations that city and country are separate worlds.

And so on: Under-employment that saps national strength as much as unemployment . . . over-education in some areas but under-education in most . . . lack of savings for investment . . . lack of trained managers.

Finding problems in Asia is no problem.

PLUS FACTORS

But Asia's millions of youngsters have some plus factors going for them, too, as they look to tomorrow.

Nations are referred to as take-off nations when they begin to generate enough savings and economic activity within their own structures to fuel their own further growth.

Taiwan, Singapore, Malaysia, Thailand, the Philippines and South Korea are considered to be at this point or near it.

Taiwan's formula resembles that of Japan and is considered something of a classic pattern. First it concentrated on feeding its people. Then it began to build up its foreign exchange. Then it built up its rural economy as a market for its industry, and then it built up the industries that would provide raw materials for other industries to process.

Taiwan was helped by the strongest concentration of imported brain-power of any developing nation except Israel and by some of the highest per capita aid given by the U.S. to any nation.

But the effect of these was mainly to speed progress (perhaps by 15 years, in one estimate) rather than to do anything that would have been impossible without such support.

Thailand is getting dividends from its Vietnam support in the form of a U.S.-financed half billion program to build a harbor and a road and airport network that will open up its interior.

South Vietnam will have more than $1.3 billion of U.S. construction in place after the war—more than it can use in peacetime—but with the finest network of airports and harbors in Southeast Asia from which to choose for peacetime development.

Both Thailand and Vietnam will have tens of thousands of people trained in construction and other skills that will have peacetime value.

The Asian nations also boast rich natural resources; people who have been proved in

the test have both energy and talent; and soil and climate that, properly farmed and managed, can produce gigantic food surpluses.

Further, there are natural beauties and climatic advantage that offer a harvest of tourist dollars to most of the nations of the region if they choose to reach for them. "This area is a virtual Garden of Eden," exclaimed one American. He was talking about a coastal sector of Vietnam—but the same could be said of many places.

ANSWERS

Asian progress is indeed possible; in fact, long overdue.

How it will come remains to be seen but I looked in during my travels on a variety of organizations working to that end.

Here is what some of them are doing and how:

The operations control rooms of Malaysia—During Malaysia's 12-year "emergency" of fighting the Communists it maintained a war operations room in Kuala Lumpur where careful account was kept of all encounters with Communist insurgents and all intelligence was collated. Here the countermeasures were planned to meet the emergency.

Shortly before the ending of the "emergency" in 1960, the Deputy Prime Minister, Tun Abdul Razak, established district, state and federal development teams and ordered each to set up a development operations room similar to that used in the insurgency.

In these are brought together at one central point all information on all aspects of economic planning and—more importantly, in the view of U.S. Ambassador James D. Bell—the progress being made on every project in every field of activity.

Prose is limited. Charts and graphs quickly tell the story of progress or non-progress on hundreds of projects in 100 districts and sub-districts.

Periodic meetings are held at which these are reviewed by all the government departments concerned. Each official must justify the state of progress for each project for which he is responsible. Accountability is direct. Remedial action can also be direct. The deputy prime minister himself tends to drop in most often on those districts where progress is lagging—and has been known to order an official transferred within 24 hours.

"The message gets home," says Ambassador Bell, "Those who work on the Malaysian development program know that the road to promotion is through results and not through the production of a mass of reports, memos or other paper work."

Taiwan's joint Committee for Rural Reconstruction—A unique device for channeling U.S. AID dollars is the JCRR on Taiwan. Its members are named by the presidents of China and the U.S. with the Chinese always in the majority and holding the chairmanship, yet with the U.S. position protected by its ability to turn off the flow of dollars.

Through good management and a wise choice of commissioners it has attained remarkable results.

The East-West Center's vice chancellor, Dr. Baron Goto, who is familiar with most of Asia, considers JCRR to be the most successful U.S. AID effort. AID didn't try to run the show in Taiwan as it has in many countries, he suggests, and it delegated to JCRR full authority to develop workable programs for Taiwan instead of trying to impose them from the outside. (The Chinese chairman's view of JCRR was published on Page A-10 of the Star-Bulletin of Monday, Nov. 27.)

The International Rice Research Institute—This was discussed in some detail on page E-12 of the Star-Bulletin two days ago, Thursday, Nov. 30.

With Ford and Rockefeller Foundation money, it is doing for the tropical rice industry the kind of work done for Hawaiian sugar by the Experiment Station of the Hawaiian Sugar Planters Association. Its research station at Los Banos in the Philippines is developing new rice varieties, new machines and new methods.

Because it is moving into unexplored areas its initial results have been miraculous—a new variety that can double or even triple rice yields just because it is short and sturdy and doesn't fall over.

This by itself promises both economic improvement and spectacular gains in the hunger battle. The University of Hawaii will help train Americans in its discoveries.

U.S. aid—Regionalism is one of the bywords of U.S. foreign policy in Asia today. The U.S. hopes to help Asian nations solve their own problems.

Yet while we are spending multiple billions on the military effort in Vietnam our AID budget is only $700 million.

The first reaction of an American to such a comparison is one of dismay yet even this amount is one-third of the total gross national product of Vietnam and half of it goes for inflation fighting and currency stabilization. "We are trying to help people help themselves and that means funneling money through a narrow pipeline," explains a U.S. officer who doubts that his office could wisely use any further funds at present.

In Bangkok, a U.S. official explains that AID thinking goes to encouraging regionalism by such means as supporting an advanced engineering college for Southeast Asia in Bangkok, a graduate agricultural college at Los Banos in the Philippines (see above) an English teacher training college at Singapore, and science and mathematics advanced education at Penang, Malaysia.

It goes also to fostering, where possible, such multi-national projects as the Mekong River Development project, improved area communications and such transportation goals as an Asian Highway and Asia Railroad.

It also hopes to show that regionalism can overcome the problem of limited markets. Fertilizer, steel and textile industries, for instance, might be hard for any nation to sustain on its national base yet might be profitable in a regional market.

The Asian Development Bank—Only a year old, ADB embodies many hopes, engenders some fears and looms as a possible answer to several others.

Patterned after the World Bank, its advantage is that it is Asian-dominated and Asian-run.

Yet it admits members from all over the world and provides them a means of helping channel funds to Asia on a multi-national rather than a bi-lateral basis.

The U.S. and Japan are its biggest financial backers so far ($200 million each of a total subscription of $1.5 billion) but nearly 30 nations are contributing some degree of support, including 19 in the region which reaches from Afghanistan to Western Samoa.

Prior to making its first modest loans early next year, ADB has undertaken surveys in each regional member nation to assess which projects offer the greatest development potential.

It promises to use both the carrot and the stick in encouraging sound development projects but will back no project against the wishes of the host government. Headquarters are in Manila. The first president (for five years) is Takeshi Watanabe of Japan. His brother, Michael Satoshi Watanabe-Dauer, is professor of physics at the University of Hawaii.

ADB is seen as a means for non-area nations to channel support to Asia without moving into "Big Brother" positions—but it must tread lightly. Already, for example, its early and seemingly sound emphasis on agricultural projects has roused chauvinistic fears that the industrial nations could be using ADB to keep the developing nations from becoming competitors.

There is still a strong will in the developing nations for instant heavy industry and "show projects." This will was carried to the extreme by President Sukarno and his nation is now a disaster area, one of the poorest in the region despite its basic natural wealth. Indonesia has a steel mill that won't work, massive statues erected by Sukarno, a palace for Sukarno, a row of unfinished skyscrapers in Jakarta and some of Southeast Asia's most impoverished people.

The Committee for the Coordination of Investigations of the Lower Mekong Basin—From a desk in Bangkok, a wiry and bustling American named C. Hart Schaaf directs planning for a project that will be both larger and have much greater potential than the Tennessee Valley Authority.

It will benefit more than 50 million citizens of four nations—Thailand, Laos, Cambodia and South Vietnam.

It offers them irrigation potential, power, flood control and navigation possibilities, but it requires coordinated development by all four nations to realize its maximum potential. For that reason Schaaf speaks of it as a treasure chest with four locks that can only be fully opened when all four keys are inserted.

Despite wars and diplomatic differences, the project is moving ahead under United Nations auspices and Schaaf feels the funds to carry it through are in sight from the four member nations, 21 outside countries, 12 U.N. agencies and private business. It is slowed by the need to collect rainfall data and complete a gigantic map-making project on which engineering decisions will be based—as well as by the war at the lower end of the Mekong.

In all, at least 12 international agencies are concerned with Asia development problems.

Others not previously mentioned here include the Economic Commission for Asia and the Far East (ECAFE) and its sub-group, the Asian Highway Coordinating Committee or AHCC (both UN groups); the Southeast Asia Treaty Organization (SEATO); the Asian and Pacific Council (ASPAC); the Association of Southeast Asia (ASA); the Southeast Asia Ministers of Education Secretariat (SEAMES); the Southeast Asia Ministers of Transportation and Communications (SEATRANS); the Southeast Asia Ministers Conference on Economic Development (SEA DEV); the Southeast Asia Central Bankers and Planners Group (SEABP), and the Association for Southeast Asia Nations (ASEAN).

Memberships and activity vary but each group fills a purpose in building regional cooperation.

The pitfalls to progress are many.

The Asian nations need outside development help, yet aren't above resenting it. It used to be said that the trouble with the British was that they were "over-paid, oversexed and over here." Americans are susceptible to the same charge. Japanese help is needed yet World War II is not forgotten. Japanese businessmen are evident throughout Southeast Asia but not overconspicuous. "They stick mainly to the golf courses," one businessman in Singapore remarked. Resident Chinese tend to be resented as too vigorous competitors in local business. Australia would like to be considered as part of the area but racial feelings keep her on the fringe.

Yet Asia is coming alive. I thought I sensed in most nations a psychology of growing self-confidence, the psychology of "breakthrough."

The future for Asia's millions of children can be bright if the world's present generation can only be a little wise.

HOW THE NATIONS COMPARE IN SIZE AND WEALTH

Here is a comparison of national size and national wealth. The World Bank made it

last year based on the best available estimates. The figures "must be taken with some reserve," the bank stresses, because of difficulties in obtaining, comparing and evaluating data. It offers them as rough indicators of gross per capita national product in U.S. dollars and of population.

Country	Population	GNP per capita
United States	192,120,000	$3,020
New Zealand	2,594,000	1,760
Australia	11,136,000	1,730
Japan	96,096,000	660
Singapore	1,820,000	460
Hong Kong	3,692,000	320
Malaysia	7,810,000	260
North Korea	12,000,000	210
Nationalist China	12,070,000	190
Philippines	31,270,000	140
Ceylon	10,965,000	130
South Korea	27,633,000	120
Cambodia	6,000,000	120
New Guinea and Papua	2,098,000	120
Thailand	29,700,000	110
South Vietnam	15,715,000	110
North Vietnam	18,000,000	100
Mainland China	738,000,000	95
India	471,624,000	90
Pakistan	111,700,000	90
Afghanistan	15,227,000	85
Nepal	9,900,000	70
Indonesia	103,100,000	70
Laos	2,470,000	60
Burma	24,299,000	60

Note: 1 point to remember in connection with the low per capita income figures for Asia is that a large portion of the population in many nations enjoys (entirely or in part) a subsistence economy that involves living off the land or the nearby ocean and produces no dollar figures to add to gross national product.

JOHN NANCE GARNER

Mr. TOWER. Mr. President, the death of former Vice President John Nance Garner at his home in Uvalde, Tex., just a few days ago, stirred people both in the Nation and around the world. I have received a memorable sonnet written by Mr. Amado M. Yuzon, of the Philippines, president of the United Poets Laureate International. I ask unanimous consent that this memoriam to the late Vice President be printed in the RECORD.

There being no objection, the sonnet was ordered to be printed in the RECORD, as follows:

SONNET: ON THE DEATH OF JOHN NANCE GARNER, OF TEXAS

(Leader of his people, former Vice President of the United States, died November 7, 1967, at the age of 98.)

(By Amado M. Yuzon)

He acted history and made it well
For Texas, for the U.S.A. and all;
In a worst, acute crisis that befell
And shook a nation to its base, how swell
Was he who could stand brave, protecting, tall!

For two terms' length he was with F.D.R.—
They thought, they moved, they saved a starving nation!
He climbed a long way to the peak from far,
But always shone his badge the lone, Lone Star,
As one for triumph, freedom and salvation.

By the exploits of its patriotic *greats*,
Lone Texas could have been a mighty state;
But Lo, united with the United States,
It has made great America more great!

PRESENTATION OF NEW SET OF MEASUREMENT STANDARDS TO NEW MEXICO

Mr. ANDERSON. Mr. President, today, December 8, 1967, the U.S. Department of Commerce will formally present a new set of measurement standards to the State of New Mexico. The presentation is part of a program to replace the measurement standards of all 50 States. New Mexico is the sixth State to receive a set.

It seems that the high sophistication of modern commerce and industry requires an accuracy and uniformity of measurement which we cannot always readily achieve with the measurement standards now used by the States. Some of these standards date back a hundred or more years. When we consider that the entire commerce of a State, both internally and externally, rests ultimately on the reliability of its measurement standards, we can see the importance of this ceremony on Friday.

We have a great confidence in our weights and measures system in this country. We do not buy a quart of milk and then run home and pour it into a measuring pitcher to see if it is indeed a quart. It is noteworthy that this smooth-running measurement system is a cooperative effort, with State and local officials taking care of the checking and enforcement and the Federal Government providing them with the technical backup they need. In a message to the 50th National Conference on Weights and Measures, President Johnson said:

Weights and measures administration in the United States, as represented by the local, State, and Federal officials gathered here, is one of the finest examples of the creative Federal system we are trying to foster. It is an eloquent proof of the vitality and effectiveness we can achieve in any program when we utilize the full talents and capabilities of all levels of government. Through this constructive partnership, we maintain a uniformity of weights and measures, the language of trade and commerce, which has been and will continue to be a bulwark of our country's economic growth."

I think we all share those sentiments. We in New Mexico are proud of our part in this effort. For the information of Senators, I ask unanimous consent that the Department of Commerce announcement of the presentation ceremony be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

NEW MEXICO RECEIVES NEW WEIGHTS AND MEASURES AND STANDARDS

On Friday, December 8, New Mexico will become the sixth State to receive new weights and measures standards under a program to replace the standards of all 50 States.

Malcolm W. Jensen, Director of the Office of Weights and Measures of the U.S. Department of Commerce's National Bureau of Standards, will present one new set of weights and measures standards to New Mexico State officials in a ceremony at the University of New Mexico in University Park.

Many of the standards and instruments used by the States in weights and measures administration were provided by the Federal Government 100 years ago or more. The National Bureau of Standards is supervising replacement of the State standards to update and extend measurement competence throughout the Nation, as required by scientific and technological advances. Standards have previously been presented to Ohio, Illinois, Oregon, Utah, and California. Within the next few months sets will be presented to Connecticut, Delaware, Kentucky, and Tennessee.

It is expected that new standards and instruments will be provided to about 10 States per year until all State standards facilities have been modernized.

Each new set includes standards of mass (weight), length, and volume and necessary laboratory instruments, including high precision balances, all specially designed to meet State weights and measures requirements. Each set costs the Federal Government about $70,000, including calibration, installation, and training of laboratory personnel. The State contribution to the program, in the form of new or expanded laboratory facilities and better qualified personnel, will be considerably more than the Federal cost.

Measurement uniformity among the States began in 1836 when Congress authorized the Federal Government to supply each State with ". . . a complete set of weights and measures adopted as standards—to the end that a uniform standard of weights and measures may be established throughout the United States."

In the United States, the actual regulation of weighing and measuring equipment in commerce is retained largely by the States. The National Bureau of Standards is the principal technical resource for the States in this area.

THE ROLE OF NASA IN THE WAR

Mr. THURMOND. Mr. President, the last—the very last—thing that any American citizen, whether scientist, salesman, or newspaperman, would be expected to consider as something to expose would be technical research and development that can save the lives of American boys fighting in Vietnam. Surely, of all possible subjects to write about, and they are legion, this is no subject for exposure—for an exposé—in the manner in which a reporter might write about a trades organization that is engaging in contraband.

Yet, in the frenzy that has overtaken too many people in their anti-Vietnam war fervor, this is exactly what I am stunned to find being exposed.

Monday's Washington Post has seen fit to employ its initiative in digging up the information that NASA—the National Aeronautics and Space Administration—actually is engaged in research and development that can be—and to the newspaper's apparent shock—is being used on behalf of American forces in Vietnam. This information is presented as though a scandal were being exposed.

One might expect that if, for some reason that I cannot fathom, a story of this sort was to be dug up, the article would express gratification that the taxpayer's money was being used on behalf of the American people, and the tone of the article would show particular satisfaction that the persons helped are those fighting for us in the swamplands and jungles of Vietnam. The article in question purports to be shocked that NASA projects help our national objective.

The article was written in a supposedly objective vein, meaning that the viewpoint opposed to our interests was given equal weight with our own. This is a hackneyed device by which anti-U.S. propaganda is infiltrated into our own press. Moreover, the article reveals classified information. This bears all the earmarks of a story planted by someone who is seeking to destroy NASA's program. Under such circumstances, a young

and inexperienced reporter becomes eager for a scoop at all costs, and an editor anxious to slant his news to editorial policy, becomes putty in the hands of knowledgeable propaganda manipulators.

The Washington Post story on December 4 was published under a three-column headline on page 1 and jumped to a seven-column headline on an inside page, for a total of 56 inches altogether. Its rationale could only have been that NASA may be doing something it ought not to be doing. It collapses with one, single quotation in the body of the article, a reference to "a section of the National Aeronautics and Space Act of 1958 that directs the agency to make available to defense organizations 'discoveries that have military value or significance.'"

This being so, and this being part of the directive under which NASA obligatorily operates, this Senator cannot understand why the article then goes off hemming and hawing on the subject, questioning whether this provision really refers to lifesaving assistance being developed for our fighting men in Vietnam. The authorization, it says, "is fuzzy." I cannot imagine what could be clearer than a direction to make "discoveries that have military value or significance" available to our defense organizations. Are our men fighting in Vietnam not engaged in a defense operation, or are we supposed to be accepting the red line that we, and not the Communists, are engaged in aggression? This is the only possible inference out of the subtleties of the article.

It then goes on to express a strange fear about "what Congress might say about the expenditures of NASA funds" for the purpose. As one Senator speaking for myself, while sure that his colleagues overwhelmingly share these sentiments, I am firmly of the conviction that anything that can be developed technically to save a single American life in Vietnam, especially by any individual or organization that is being paid by the American taxpayers, belongs freely to our soldiers in Vietnam. I cannot imagine their being deprived of it. Yet this is what the article seriously puts forward. There should be no question regarding our point of view on this matter, and I doubt if there is any serious question regarding it on this floor.

The article in effect subtly encourages so-called dissenters who actually are taking the side of the enemy, who are seeking to unilaterally disarm us, to make an issue out of this, too, and to try by legalistic hairsplitting to put an end to such research and technical aid as the facilities of NASA might make possible for our fighting men anywhere in the world.

If past experience with such seemingly objective reporting is any guidance, and of course it is, we now can expect a campaign to reinterpret the congressional authority given to NASA, with a view to choking off any benefit that our Vietnam forces might obtain from its work.

The article obviously is a patently calculated leak. The informed details it provides on NASA's research and technical work proves this. Described, for instance, are a number of militarily useful projects being developed by NASA, of extraordinary help to our fighting forces, as for instance:

Quiet engines for the Pentagon. Not only does it devise and test small piston engines for planes, it is also developing helicopters that don't have that loud "chopper" noise warning of their approach.

And:

A scissors-like sling, the stretcher is lowered to the ground and wrapped around a man in a way that he's made immobile. It is then raised upward—perfect for helicopter rescues in Vietnam jungles.

I am informed that the reporter contacted the Pentagon, and was plainly given the directive that forbids as classified even the discussion of any such Defense Department research projects. The same directive, of course, exists at NASA. I am told, too, that when he contacted the Pentagon, he already was in possession of practically all the classified material that went into the article.

Surely, if he was too inexperienced to realize it, his editors knew that the disclosure of such facts about what we are in the process of developing, or have just developed, for our fighting men, with the explicit description given in this article, can enable the enemy both to prepare countermeasures, and also to develop similarly advanced projects for the Communist forces. One has no right to take a chance on such matters.

If this is what some think is meant by being objective, I think that schools of journalism have their job cut out for them.

This is a shocking thing, that is not a matter of press freedom, or even of press license, but plain aid and comfort to the enemy, whatever the intent. This shameful incident should not be repeated. Publishers and editors should accept their responsibility to prevent such unobjective, anti-American news coverage, and to prevent, too, the violation of security classifications on subjects that involve adversely the preservation of the lives of American fighting men.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NASA'S ROLE IN WAR GROWS

(By Thomas O'Toole)

When Philadelphia's Vertol Co. ran into long delays making rotor blades for Vietnam-bound Chinook helicopters, it called on two Alabama-based engineers to help speed things along.

Up flew the two men to Philadelphia, where they watched Vertol workers take 10 hours forming a steel rotor blade and another 16 hours hammering the dents out of it. Since this was a problem the engineers had faced and solved in working dents from aluminum fuel tanks, back they flew to Alabama with the job of trying out the fuel tank solution on helicopter blades.

What is unusual about all this is that the two engineers work for the National Aeronautics and Space Administration, whose direct involvement in jobs like the helicopter problem illustrates the growing role of the civilian space agency in the Vietnam war.

Both NASA and the Pentagon are reluctant to disclose the size of NASA's defense effort, but it's known that NASA's Office of Advanced Research and Technology is spending between $4 million and $5 million a year directing the efforts of 100 scientists and engineers to tasks vital to the Vietnam war.

The scope of these efforts is secret—though it's understood a whole range of defense projects is under the space agency wing.

One NASA team is know to have developed a new acoustic detector that locates mortars simply by measuring the slight ground vibrations they cause when fired. Still another group has devised a more steerable parachute to drop men and supplies into otherwise inaccessible jungle clearings.

A third team of NASA men is working on an aircraft engine so quiet that small tactical planes using it would be dropping bombs and firing machine guns at enemy troops before they ever heard the planes' approach.

NASA's authorization to do all this is fuzzy, at best. In their defense, NASA officials cite a section of the National Aeronautics and Space Act of 1958 that directs the agency to make available to defense organizations "discoveries that have military value or significance."

On the other hand, the same Act bars NASA from engaging in activities "peculiar to, or primarily associated with, the development of weapons system, military operations or the defense of the U.S., including the research and development necessary to make effective provision for the defense of the U.S."

While it willingly participates in defense research, NASA is nervous about its military role for several reasons.

With recognizable concern, it worries what Congress might say about the expenditure of NASA funds for defense purposes. Not only might some members of Congress consider such spending unauthorized—they might also question what the Pentagon does with the $70 billion it got for defense purposes this year.

NASA also worries about how other nations might react to the news that it is actively engaged in the Vietnam war effort.

Not only does NASA have contracts for joint research efforts with more than a dozen Nations, some of its most important tracking stations and communications outposts are located on land owned by other countries—most notably, Australia, Britain, Spain, the Malagasy Republic, South Africa, Peru, Chile and Ecuador.

NASA first got involved in Vietnam defense work almost two years ago, when the Pentagon became alarmed at the way the war was going.

In February of 1966, a team of top-level Pentagon officials came to NASA headquarters and conducted a comprehensive briefing on the technological troubles they had run up against in Vietnam.

Immediately after the briefing, NASA sent the word to its seven nationwide research centers that they might henceforth be asked to donate some of their time to defense work. It especially alerted three centers to this probability—the Jet Propulsion Laboratory in Pasadena, Calif., the Ames Research Center at Moffett Field, Calif., and the Langley Research Center in Hampton, Va.

At the same time, NASA set up a Washington based Ad Hoc Committee to coordinate all of what it called "limited war studies" through NASA's Office of Advanced Research and Technology, which is primarily engaged in research on aircraft noise and sonic boom, nuclear rocket engines, the X–15 and B–70 research aircraft.

On this committee NASA placed three men from three separate offices within the space agency—Maurice Raffensberger of the Office

of Manned Space Flight, Clarence R. Morrison from the Office of Tracking and Data Acquisition and James O. Spriggs from the Office of Space Sciences and Applications.

To this committee NASA also brought Air Force Col. John M. Coulter to serve as executive secretary. It would be his job to dig out suggestions from NASA centers and forward them to the Defense Department researchers, particularly those at Wright-Patterson Air Force Base in Dayton, Ohio, and Aberdeen Proving Grounds in Aberdeen, Md.

To make sure its defense effort got off the ground. NASA took a third step. It ordered that anybody doing defense work coordinate through its Office of Defense Affairs. This office, headed by retired Navy Adm. W. Fred Boone, until then had been charged with getting the Air Force and Navy's cooperation during manned space shots—especially at liftoff (for tracking purposes) and touchdown (to recover the astronauts).

At first, NASA's defense efforts were largely hit-and-miss. Administrators in Washington would screen ideas from the field men, decide which had merit and forward those suggestions to the Pentagon.

More recently, it is understood, NASA's defense work has been a better directed and more fruitful effort.

What happens usually is that the Pentagon will come to NASA and tell it of a specific problem it has in fighting the war in Vietnam. The space agency then selects to "brainstorm" the problem until several possible solutions are worked out. These are tried out in NASA laboratories and the results sent on through NASA headquarters to the Pentagon, which takes over the project from there.

Just how many projects have gone through NASA to the Pentagon is secret. So, too, are the results of those projects and whether or not any of the more successful ones have found a use in Vietnam.

The brunt of NASA's war work goes on at three centers—JPL and Ames in California and Langley in Virginia. JPL gets a lot of the electronics work—it was a JPL team that came up with a new acoustic device to detect mortars.

Langley works on quiet engines for the Pentagon. Not only does it devise and test small piston engines for planes, it is also developing helicopters that don't have that loud "chopper" noise warning of their approach.

Langley also has been deep in steerable parachute work, a project that only recently was reassigned to the Army's Fort Eustis, Va., and Benning, Ga.

Besides the work done at JPL, Ames and Langley, NASA researchers everywhere are encouraged to contribute defense ideas.

While the scope of NASA's war work is wide, it evidently does not take in weapons. "We are not developing anything that shoots a bullet or a missile at somebody," insists a NASA official.

Indeed, some of NASA's "war work" might actually fall in the humane field.

Not long ago, a team of researchers at NASA's Michoud, La., plant devised a stretcher for men stuck or injured at the bottom of a Saturn fuel tank that works in such a way that the Army is thinking of using it in Vietnam.

A scissors-like sling, the stretcher is lowered to the ground and wrapped around a man in a way that he's made immobile. It is then raised upward—perfect for helicopter rescues in Vietnam jungles.

But whatever the nature of its war work, NASA feels fully justified in doing it.

"I don't think anybody is so naive," declares one NASA official, "that he might feel an agency spending $4 billion a year on technology shouldn't spend some of it trying to win a war we're fighting."

A DECADE OF PEACEFUL REVOLUTION: A SENATOR'S REFLECTION ON FEDERAL PARTICIPATION IN THE DRIVE FOR BETTER EDUCATION

Mr. ERVIN. Mr. President, the objective of education is the maximum development of the mind and spirit of man. Consequently, the educator does not perform his entire obligation to society by implanting in the minds of his students the fundamentals of knowledge, as important as that is. He must go further than this and endeavor to instill in them a desire to emulate Ulysses and "follow knowledge like a sinking start beyond the utmost bound of human thought." The educator achieves the greatest success in his calling when he inculcates in his student the abiding purpose to pursue learning as long as life lasts, and to be able to say this in modesty and in truth at sunset each day: I am wiser today than I was yesterday.

It was inevitable that I should have a profound concern for education. My paternal grandfather, who taught me to read and write before I was old enough to enter school, was a professional educator; my maternal grandfather was a crusader for the establishment of an adequate system of public education in my hometown; and my father, who always proclaimed that he wanted to give his children an education and then leave them the world in which to make a living, was the first chairman of the first board of trustees of the graded school system in my hometown. Years later I served in this same capacity, and in addition to so serving, was privileged to be for some time a trustee of the University of North Carolina and a trustee of Davidson College.

As a citizen, a school trustee, and a State legislator, I fought at all times for all measures reasonably designed to fulfill Charles Brantley Aycock's dream that every North Carolina boy and girl should have an opportunity to develop their highest potential educationally.

As legislative agent for North Carolina's classroom teachers some years ago, I worked to secure legislative approval of the South Piedmont plan, which increased the annual salaries of North Carolina schoolteachers by several millions of dollars.

As a Member of Congress, I have supported every legislative proposal reasonably designed to extend Federal aid to education without offending the provisions of the first amendment, and without depriving the States of their right to control the operation of their public schools.

I was invited to address the winter conference of the division of superintendents of the North Carolina Education Association at Durham, N.C., on Thursday of this week. This group is composed of those who supervise the conduct of North Carolina public schools. I prepared some remarks entitled "A Decade of Peaceful Revolution: A Senator's Reflection on Federal Participation in the Drive for Better Education" for delivery to this gathering. Unfortunately, however, the pendency before the Senate of the Elementary and Secondary Education Act Amendments of 1967 denied me the privilege of attending such gathering.

I ask unanimous consent that my remarks prepared for that occasion be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

A DECADE OF PEACEFUL REVOLUTION: A SENATOR'S REFLECTION ON FEDERAL PARTICIPATION IN THE DRIVE FOR BETTER EDUCATION

I am truly honored to be here today with such a distinguished group to give you an account of my Senate stewardship in the area of education during the past several Congresses.

Under your direction are the systems which educate over one million boys and girls. As an elected representative of the people, I feel I have a special appreciation of the importance of your awesome responsibility because an educated electorate is absolutely necessary to the proper functioning of our government which derives all of its just powers from the consent of the governed.

I'm sure that in those few moments when you have an opportunity for thoughtful reflection you must look back over your years as educators and marvel at the vast changes which have taken place across the entire education spectrum. The growth in numbers alone is almost staggering. Curriculums have broadened considerably, and years ago who would have imagined such new and innovative teaching tools as computer-assisted instruction and closed circuit television?

Modern technology is certainly changing the face of education. So is the fact that people expect much more from the school today than they did a generation ago. Parents now expect the school to cover the field from driver education to vocational education to college preparation. Unfortunately, not every one is as sensitive to the great needs of our schools as you are. It costs more today to build the many classrooms we need, to equip those classrooms with the modern teaching materials they should have, and to train our teachers well. In your positions you are most aware that these needs seem to be outstripping our ability to meet them.

We in North Carolina can be proud of what might be called our "effort index." In 1965 our per capita State expenditures for all education placed us 18th out of the 50 States, and that's the highest of all the Southern States. In actual dollars and cents, however, our current expenditures per pupil are considerably lower than the national average. So in a sense we're trying harder but spending less.

However, the States' cost of education problems are much aggravated today by our systems of taxation. Unfortunately, the Federal government monopolizes the most productive sources of taxation and thus compels state and local governments to rely upon less productive sources for financing their essential functions. The Federal government's monopolization of the most productive source of taxation seriously handicaps many of our states in the operation of their public school systems.

From such propositions we arrive inevitably at the conclusion that the Federal Government must bear a greater share of the financial burden for education. And I sympathize with those who would reprimand the Congress for not doing enough for education and for not doing it fast enough. On the other hand there are inherent dangers in rash or hasty Congressional action and in the area of education there are many issues which must be debated and resolved before legislation can be enacted. You are aware, I am sure, that in the past issues were not

always resolved and compromises were not always worked out. In those cases education bills failed to pass. But certainly it would be unfair to say that the legislative branch of the government was ineffective or that the Congress was insensitive to the education needs of the country. In my opinion it is far better that no bill be passed than one which is ill-conceived and ill-considered.

If you would allow me just a few moments to reflect upon some of the education legislation with which I have been confronted during my years in the Senate, I would like to share some of my thoughts on the subject with you. There were already limited forms of Federal assistance available to schools when I first entered the Senate in 1954, the year Congress passed a cooperative research program in education. Two years later legislation was enacted to make library services available to 38 million Americans in rural areas.

It was late in 1957, however, after the Russian space feat, that the drive for increased Federal aid to education achieved an unparalleled intensity. The American people were stunned at our failure to be first in space and this failure was immediately attributed to inadequate support of science and deficiencies in science education. Within a month after the Sputnik success President Eisenhower called for the early identification of potential scientists and engineers and for high quality education for them. And in January he sent a special message to Congress asserting the importance of education to the national defense.

This deep concern about the quality of our schools prompted the passage of the National Defense Education Act of 1958. The general objectives of the law, as you know, were to improve science, mathematics and foreign language teaching, provide better laboratory equipment, strengthen guidance and counseling services, and assist needy college students with loans. Although the National Defense Education Act initiated Federal participation on the largest scale yet in a rather broad area of education, I do not want you to think that there was no opposition whatsoever to the law. Indeed, in the Senate some of my colleagues were convinced that passage of the National Defense Education Act would be a disaster for the public school system. They were legitimately concerned about the effects which Federal aid to education would have on State and local initiative and about the control which the Federal government might exert over the schools.

However, the majority of the Congress, including myself, did not see that such threats were inherent in the legislation and felt that the needs of national defense and better science education were critical. The law was passed and signed by the President.

Following the passage of the National Defense Education Act of 1958 it became increasingly apparent that practically all levels of the educational administrative hierarchy were sorely in need of improvement and increased financial support. In 1963 President Kennedy proposed an omnibus education plan which covered the whole range of educational problems. Congress considered the various parts of this proposal individually, enacting some, rejecting others.

It was my honor to have co-sponsored one of the bills which did become law. The Vocational Education Act of 1963 was a necessary complement to previous vocational legislation. It authorizes assistance to the States for the further development of vocational education programs for persons of all ages, for the establishment of work-study programs, and for the construction of residential vocational schools. I think that this legislation was vital if we were to meet the educational and training needs of a great many people, and not just the young.

In 1963 attention was also focused upon the critical space shortages in our colleges and universities. Unless they could expand they could not accommodate but a small fraction of eligible students nor could they broaden their programs without additional facilities. A bill was introduced to authorize a program of loans and grants to public and private institutions for the construction of graduate and undergraduate academic facilities. This bill was eventually passed and became the Higher Education Facilities Act of 1963.

As much as I recognized and was most sympathetic towards the plight of colleges and universities and as much as I esteem higher education, I could not vote for that bill. It was one of those frustrating situations when you see a need, are presented with a possible solution and are prevented by principle from endorsing that solution. You've probably experienced the feeling many times. But in 1963 I opposed and in 1967 I oppose legislation which contravenes the first amendment of the United States Constitution. When we debated the Higher Education Facilities Act in the Senate, I stated that "In my judgment, the provisions of that bill, which permit the making of such grants and loans to universities and colleges which are owned, operated, or controlled by religious denominations, are in violation of the first amendment to the Constitution." At that time I proposed two amendments to the bill: One providing that grants and loans would not be made to universities and colleges which are controlled or operated by religious denominations, the other to make it certain that any taxpayer would have a right to have a judicial review of the constitutionality of any loan which the U.S. Commissioner of Education proposes to make. The first amendment was not passed by the Senate but the second was. Unfortunately it did not survive a House-Senate conference and in good conscience I could not vote for the Higher Education Facilities Act without the amendment.

The problem came up again 2 years later when, in 1965, we were confronted with proposed legislation of the very greatest importance. I am sure that you all are familiar with the provisions of the Elementary and Secondary Education Act so I will not enumerate them now. You must also be aware that private schools may participate under several titles of the law. These provisions were a matter of great concern for me and it was my feeling then as it is now, that until the Supreme Court decides on the constitutionality of such provisions Congress will not know whether it is legislating in constitutional light or in constitutional darkness. I think that the American taxpayer should have standing to test the constitutionality of a law which uses public funds for private schools. And so in 1965 Senator Cooper from Kentucky, Senator Stennis from Mississippi and I offered an amendment to give any taxpayer of the United States access to a Federal court to contest the question of the constitutionality of the aid which the bill would give to sectarian schools or to the students in sectarian schools.

In 1965 this Cooper-Stennis-Ervin amendment did not pass. In my mind, although the amendment would have been a most desirable feature of the bill, it was not an absolute necessity because a separate judicial review bill could be and later was introduced. Still, I had reservations about the Elementary and Secondary Education bill. There were sections of which I did not approve, the allocation formula in Title I, for example. And yet I heartily endorsed the major aims of the bill and I did think that the quality of public education, especially in low-income areas where the tax base was deficient, was a matter of top priority. Therefore, I voted in favor of the bill and I think that my remarks at that time might give you an insight into the difficult position in which I found myself. I said that "This is one of the situations in which I favor a part of the bill and am opposed to a part of the bill. On the whole, I think the good in the bill outweighs what I consider to be unfortunate provisions of the bill. For that reason, since I never expect to find a bill of major importance with which I fully agree, I expect to support this bill on final passage . . ."

Since the enactment of the Elementary and Secondary Education Act, I have been gratified by the expansion of the law to include handicapped children, Indian children and the children of migratory workers. Certainly if the law is to meet the needs of all educationally deprived children it must reach these. I was also pleased at the passage of the Adult Education Act, an amendment to the Elementary and Secondary Education Act to encourage programs of adult education and adult basic education.

But I am not yet satisfied that provisions of the law which provide Federal assistance to parochial schools do not violate the first amendment. I do find encouragement, however, in the unanimous adoption last Friday (December 1st) of my judicial review amendment to the 1967 Elementary and Secondary Education Act amendments. If the amendment survives a House-Senate conference, then I think that the issue of Federal aid to private schools may soon be decided by the Supreme Court. There is also promise of resolution of those constitutional issues in the agreement by the Supreme Court to hear oral arguments on a lower court's ruling that taxpayers lack the legal standing to take the Government to court over the expenditure of Federal money.

There are, of course, other problems arising from the Elementary and Secondary Education Act in addition to the question of judicial review. And, having asked you to view some legislative problems from my vantage point, I want you to know that I am also aware of some of your problems. From my discussions with a number of educators and school administrators I would say that the immediate impact of the Elementary and Secondary Education Act was like the opening of a flood gate—a flood gate of problems and prospects.

The late funding and the requirements of the programs have made unusual demands upon local and State school officials for innovative ideas and numerous State plans. This has used scarce personnel, and precious time. And the complaint has not been uncommon that available funds cannot be gotten to for the maze of "red tape." Well, your complaints have not gone unheeded either by your representatives nor by the U.S. Office of Education, and at long last the Office of Education is taking steps to cut some of that "red tape."

As you probably know, starting July of 1968, only one State plan, instead of three, need be presented to the Office of Education for all programs under Titles I and II of the Elementary and Secondary Education Act and Title III of the National Defense Education Act. It would permit a State to submit a single comprehensive statewide education plan including a summary of needs and proposed solutions and areas of needed Federal assistance. In turn, the Office of Education would study such a plan, determine what resources it can supply through Federal programs, and then would fund the programs on the basis of the one overall plan. This second innovation is an optimistic one but hopefully it will prove a workable approach, at least in some States. And hopefully too, both reforms will make your jobs more manageable.

There is one last reflection I would like to share with you this morning. Having taken some note of my difficulties when it comes to education legislation, and of yours when it comes to carrying out your responsibilities as school administrators, I would like to preface this reflection by referring to

a recently completed study of the U.S. Office of Education. I am sure that you all received questionnaires as part of an 18 month study conducted by Representative Edith Green's Special Subcommittee on Education. Representative Green reports that most State and local school officials do not feel that Federal aid has not resulted in Federal control of education. Mrs. Green does suggest, however, that such aid deeply influences State and local school policy through such regulations as program guidelines, matching fund requirements and the like.

I suspect that there is some truth in this conclusion. And certainly no one is in a better position to assess it than each of you. Who is better qualified than you to advise to just what extent the Federal Government is overstepping its role as a "junior partner" in education?

I am aware that many people oppose Federal aid to education because they fear that Federal control of education is necessarily inseparable from Federal aid to education. However, history shows that the argument that Federal aid necessarily means Federal control has not been true in respect to Federal aid to education, which antedates the inauguration of George Washington as our first President. When the Continental Congress established the so-called Northwest Territory in 1787 in the area now embracing Ohio and adjacent states, it set aside certain public lands for school purposes in that Territory.

Recently the activities of the U.S. Office of Education in enforcing Title VI of the 1964 Civil Rights Act have caused me considerable worry over the future of the responsibility which state and local officials have traditionally exercised in the education of their young people. However, I have consistently voted for Federal aid to education because I realize the tremendous need for funds which our schools have. I am hopeful that with advice and guidance from groups such as yours, the Congress can develop aid legislation which is not federally controlled beyond insuring prudent use of funds.

This is my final reflection of education legislation and I will make it in the form of a request. You all know that only a small percentage of Senators and Congressmen serve on those committees which handle education legislation. And yet each of us must render judgment on education proposals. I would find your expertise invaluable in fulfilling my responsibilities.

The idea of a Federal Relations Committee which has recently been formed in the Division of Superintendents maintaining liaison with your Congressional delegation is an excellent one. All too often in considering legislation we have not had the benefit of enlightened and practical views from the affected individuals in North Carolina, and your committee by providing this service in the field of education will certainly enable us to serve the interests of the professional educator and North Carolina more effectively.

On this final note, may I congratulate you for your fine work on behalf of the children and schools of North Carolina and may I remind you that my office is always open to you.

THE HAMLET OF DAKSON—VIETCONG TERROR

Mr. KENNEDY of Massachusetts. Mr. President, the war in Vietnam has had a bloody and devastating effect on many of the people in the South Vietnamese countryside.

An example of just how brutal the war has become is graphically shown in the events of last Tuesday, involving the village of Dakson some 80 miles northeast of Saigon.

According to news reports, in the space of 1 hour the Vietcong brutalized and wreaked havoc among the people of that small hamlet in one of the most vicious attacks of the war—perhaps of any war.

It is clear that the wanton and murderous Vietcong attack on the village and people of Dakson was a carefully planned act of terror against one of the so-called new life hamlets.

Latest figures indicate that more than 100 civilians were killed, and close to 50 more were injured, many of them seriously.

The Vietcong has systematically used terrorism as a political weapon. Terror and force have continued to be merely another technique in the Communist so-called wars of national liberation.

It is for precisely this reason that I have been stressing over the past 2 years the great need for our country to show that we have a positive and humane attitude and policy toward the civilians of South Vietnam.

We are facing in that beleaguered nation a war for the allegiance of the people. Such allegiance can be won by showing a positive side, a concern for the health and welfare of the civilians; a desire to provide medical facilities and a showing of deep concern for the injured and the uprooted. So it is, I believe, all the more important, that we bring home the lessons of Dakson; that the raw and deliberate terror be met by efforts to make people and villages whole, or at least that real efforts be made to pick up the innocent victims of the war. We must continue to show a contrast between such terroristic techniques used by the Vietcong and our own actions and policies.

I hope, therefore, that our own efforts are even more than ever directed toward providing a counterbalance to the Vietcong terror; that hamlets such as Dakson can expect immediate and skilled medical support in times of need, and that new ways can be found to lessen the effect of Vietcong terror.

In the long run, our success in achieving the goals we have set forth for Vietnam may well depend on the importance and the priority placed upon our efforts to provide alternatives to Vietcong terror—alternatives based on concern and compassion for the people of South Vietnam.

FOREIGN AGRICULTURAL MARKETS

Mr. LONG of Missouri. Mr. President, if American farmers had only the U.S. market to supply, the constraints upon their production would be almost unbearable. Without the large foreign markets which this administration has actively and aggressively helped American farmers build, acres idled from production would be far greater than today. Farm income would be sharply reduced.

By working closely with American farm and trade groups in joint export promotion efforts and by constantly pressuring foreign governments to remove their barriers to trade, this administration has provided a stimulus to our foreign trade that has resulted in new export records, year after year.

Let me emphasize the extent of this accomplishment. In fiscal year 1960, our agricultural exports amounted to $4.5 billion. During the next 3 years they were raised to a level of $5 billion. During the next 2 years they were raised to $6 billion. And during the past 3 years, including this current fiscal year 1968, they are averaging $6.7 billion.

This means that during the 1960's alone, export markets for American farm products have been increased by 50 percent.

Today our rice growers are moving 67 percent of their production into foreign markets. Our producers of wheat, hides and skins, cotton, grain sorghums, and tallow are finding overseas markets for 45 to 54 percent of their sales. Our growers of corn, tobacco, and soybeans look to foreign customers to buy anywhere from 24 to 38 percent of what they sell.

Across the Nation, our farmers are now exporting the production from one out of every four and their harvested acres.

This has been no automatic accomplishment. It has taken foresight, imagination, and hard work by thousands of dedicated individuals in Government, in agriculture, and in trade and industry.

The efforts of those who have made the United States the greatest supplier to the world's market for farm products are to be commended.

Mr. President, I ask unanimous consent that an address delivered by Howard L. Worthington, Deputy Assistant Administrator for International Trade, Foreign Agricultural Service, U.S. Department of Agriculture be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A LOOK AHEAD AT AGRICULTURAL TRADE POLICY

(Talk by Howard L. Worthington, International Trade, at the Annual Agricultural Outlook Conference, Washington, D.C., November 13, 1967)

Trade policy in its broadest sense is the attitude a government takes toward imports into and exports from its territory, and the ways in which it influences this trade flow. Trade policies are generally spelled out in considerable detail in the laws and administrative regulations of particular countries and in less detail in trade agreements and treaties entered into with other countries or groups of countries. The most significant statement of trade policy in existence is the General Agreement on Tariffs and Trade.

I say most significant because the GATT is the most comprehensive trade agreement in existence, more than 74 countries adhere to it, including almost all the world's major trading countries, and because it embodies a philosophy of liberal trade based on the principles of efficiency, specialization and fair competition.

This instrument has guided most of world trade for the past 20 years. But for the past 5 years, at least, both the GATT and the principles on which it rests have come under increasing strain and have been subject to increasing criticism. In a paper to be given later on this program, Raymond Ioanes, one of our most knowledgeable trade policy practitioners says that today he sees more of a disposition of some countries to set aside conventional rules of international trade than ever before in his memory.

What I want to do now is to set out these conventional rules as they are found in the GATT, to identify the challenges they face

and to talk briefly about afforts that will be made in the years ahead to reconcile the rules and the challenges. That will be our task for the next decade. The challenges are much too strong to be ignored.

THE GATT RULES

Physically the GATT comprises three sets of instruments:

A slim volume of general trade rules negotiated mostly over 20 years ago but reviewed and updated to some extent in 1954.

A massive set of lists of specific trade agreement concessions, mostly being agreements not to increase import duties above negotiated levels, negotiated in six rounds of tariff negotiation, the last of which was the Kennedy Round.

And a library of volumes and papers containing 20 years of commentary, interpretation and elaboration of the general rules.

In essence the GATT rules are simple and straightforward and in my judgment there are five of them. There are many exceptions, qualifications and explanations to these basic rules, of course, and the spelling out of these take up most of the volume. The five basic rules are these:

1. *Import and export duties are the only legitimate trade barrier consciously applied as a barrier.* This is the famous rule which outlaws the use of quantitative restrictions on imports.

There are exceptions to this sweeping rule, of course. Quantitative restrictions can be used in emergency situations and for balance of payments and national security reasons. They can also be used to protect farm price and income programs if the farm program itself puts controls on domestic production.

2. *Import duties can be reduced and eliminated, or bound against increase through negotiation.* This rule is the basis for the six general rounds of tariff negotiations we have been through including the Kennedy Round.

3. *Export subsidies should not be used to obtain more than a fair share of world trade.*

4. *All GATT member countries should be treated equally when measures are applied affecting exports or imports.* This is the Most-Favored-Nation clause which says that no one country should receive better treatment than another. Closely allied to it is the National Treatment Clause which says that imports allowed into the country should be treated fairly in relation to goods produced domestically, that is, domestic goods should not receive better treatment in regard to the application of internal regulations affecting their sale or use.

Exceptions to the MFN treatment rule are made for preference systems which existed at the time the GATT was drafted, such as the U.S.-Philippine preferences, and the Commonwealth system. These could be continued, although no *new* preferences were to be created in the systems.

The second, and major, exception to MFN was for preferences created when countries formed or joined customs unions and free trade areas. It was under this exception that the EEC, EFTA, LAFTA were formed.

5. *Price and income support programs should not be used to increase exports from, or reduce imports into the territory applying them.*

On this last and final principle I expect to get some argument. In recent years it has become quite common to hear that the GATT has no rules on farm support programs. The EEC particularly has taken that position, but it is not alone. I will admit that this rule is not as clearly spelled out as others and that not many GATT members have paid a great deal of attention to it, but the rule is there, and we in the U.S. have always recognized it.

These are the five major principles of the GATT. If you think about them for a moment, you will see the pattern they form. The import duty is to be the only legitimate barrier and it is to be gradually negotiated away. Exceptions are made where they must be, of course, but these are circumscribed. Trade is to flow to the maximum extent possible on an economic basis. It was a grand design for freer trade when drafted, and it still is.

Now as I've been talking, you have probably identified many of the challenges to these rules, of which I spoke earlier. But let's identify the major ones, and let me be clear. I am not seeking to identify temporary or even permanent departures from the rules. I am interested here only in major challenges to them.

Rules 1 and 2.—The import duty is the only legitimate barrier, and as a barrier it can be subject to trade agreements negotiation.

The major challenge here in my estimation is the variable levy increasingly used by the European Communities and others. Whether or not the variable levy in its particulars is consistent with the strict letter of the GATT, and reasonable men can differ on this point, it clearly does not fit the rule I see. The import duty constitutes a margin of protection. It permits price competition. If it is set at reasonable levels it can be surmounted, and because it is generally fixed for substantial periods of time it enables a seller to benefit from economies in production and it helps maintain stability in trade. Most importantly for trade agreement purposes, the import duty can be negotiated downward and bound against increase without changing the nature of the protection it gives. In such a circumstance only the degree of protection is changed.

The variable levy is quite different. It gives absolute price protection to the domestic producer by equalizing the import price with a predetermined domestic target price. It deprives exporters of any competitive price advantage they might develop. Variability, and thus instability, is its essence. And if the variable levy can be successfully negotiated and bound against increase we have not yet found out how. The EEC recognizes this. In the Kennedy Round they suggested several formulas for negotiating this system but none of these really fully dealt with the problems the levy creates, nor satisfied EEC suppliers that they were getting concessions of value. On the other hand, none of our proposals were acceptable to the EEC.

The EEC, of course, is not the only country to use variable levies. Nor did they originate the concept; and given the problems facing EEC Ministers in putting on a common basis the multitude of border controls the six member countries applied prior to union, some might find initial justification for turning to variable levies as a device. But given all that, the EEC is the world's major importer of agricultural products, and its use of the variable levy system on its present scale creates a trade policy challenge of major proportions.

Rule 3.—Export subsidies shall not be used to obtain more than a fair share of world trade.

Again export subsidies, other forms of export assistance and international disposal of surpluses are not new. We have only to think of our own programs to realize that. And the U.S. has used many forms of export assistance over the years. So have others. But I think it fair to say that until very recently, export assistance was given by most countries with an eye to maintaining established trade patterns. Certainly this was the case with the United States. We did not consciously seek more than our fair share of world trade. Our export assistance was, and still is, made with a close eye to the competitive situation in the world and we have always sought to avoid disrupting markets. Our subsidies are controlled and deliberate. Each price decision is carefully weighed before it is made. Our competitors will agree with me on this, I think.

As a part of its permanent program, however, the EEC has instituted an automatic export subsidy program designed to move its surplus products onto world markets without regard to established trade patterns or fair shares of world trade. EEC subsidies appear to be in use or contemplated for just about every agricultural product the EEC exports—grains, dairy products, meats, poultry, lard, tomato products, and so on. Faced with this competition, other suppliers are either reacting with subsidies of their own or are being driven out of markets. The countries who are targets for these subsidized imports find themselves pressed to apply protective devices such as quotas, countervailing duties or variable levies to protect their own producers. You all know of our problem with low cost butter entering this country in the form of Junex. We are forced to tighten our import controls. The U.K. has had to take similar action. Greece has reacted to subsidized EEC poultry exports to its markets by applying a variable levy. And so it goes.

Rule 4.—The Most-Favored-Nation—or no preference rule.

The challenge to this rule comes from two sides. First, the developing countries disagree sharply with the MFN concept. They believe strongly that their needs for economic development can only be met through preferential access to the markets of developed countries. While their concerns are principally with manufactured and semi-manufactured goods, they do not exclude agricultural products from their plans.

Second, the growth of regionalism presents a major challenge to the rule. It is no secret that the growing network of association agreements between the EEC and other European and African states raises sharp concern on the part of many outside suppliers—particularly is this true for the developing countries who can by this means be denied access to European markets for their products.

Rule 5.—Farm price and income programs should not increase exports from, or decrease imports into the territory using them.

The challenge to this rule comes from many sides. It is, I think, the greatest challenge facing us in agriculture today. It would be a challenge even if the rule did not exist, and, as I've said, many will deny that it does exist at all. The EEC has. At the foundation of its negotiation proposal in the Kennedy Round was the premise that the GATT puts no restraints on internal support programs or policies. This is particularly serious since the EEC variable levy and export subsidy systems are linked directly to EEC internal support price objectives. As domestic prices increase—and they continue to increase—so do levies and subsidies. It was the recognition of this direct link between domestic policy and trade policy which led the EEC to propose the negotiation of domestic support systems and prices in the Kennedy Round. The idea of preventing high supports from increasing inefficient production was good. Specific EEC proposals, however, were not practical.

Again, let me be clear. Certainly, no one has seriously challenged another's support policy action as being inconsistent with GATT rules in the 20 years of GATT's existence.

But there have been reasons for this. Up until quite recently the prospect of self-sufficiency, or near self-sufficiency of production in important importing areas wasn't as threatening as it is now. Moreover, up until quite recently in most major markets, support systems were not tied directly to import controls or export subsidies. In the United Kingdom, for example, where deficiency payments are in wide use, until very recently imports of most agricultural products entered the country freely or over moderate duties. It was a commonly held theory that if the support system became too costly

to the national treasury the support would be moderated. What happened, of course, was that on grains, when the system became too costly, the U.K. introduced a modified variable levy system designed to alleviate the cost by raising the price to the consumer. In Germany in earlier years a developing, and supported, poultry industry was protected by quotas. These were clearly inconsistent with the GATT and the suppliers at that time targeted in on the quotas, not the support.

Generally speaking, that was the pattern in major markets. Quotas, or duties, protecting the support were the main object of attention. The world, however, can no longer ignore support systems which increasingly encourage inefficient production.

I have set out the rules and the challenges to them. What is the outlook for reconciliation?

Frankly, it won't come easily. Countries are in no mood to give up the freedom of action they now have, or think they have, to do the things they think they must do. Before true reconciliation can take place all concerned have to be convinced that for their own good either the rules or the practices have to change. I don't think we've reached that point yet. Reconciliation is going to be a long and difficult process.

It is, however, a process which has started. The Kennedy Round did much to clear away some misconceptions on all sides. The U.S. and others went into the Kennedy Round expecting to bring the practices I have mentioned more closely in line with the rules we felt we should continue to stand by. The others to a considerable extent, I think, hoped to have the Kennedy Round reconcile the rules to their particular practices. Neither of these things happened. But the Kennedy Round got things well started. And the process is continuing.

Key GATT trade Ministers will get together in Geneva later this month to map out a program of action in agricultural trade policy. What they decide will have an important bearing on how the work continues.

Except for the problem of developing country preferences in the markets of developed countries, I do not expect any rewriting of the general rules. It seems more likely to me that the problems will be tackled on a commodity or commodity group basis, among the countries most concerned, and that solutions as they emerge will take the form of commodity arrangements. These would operate within the GATT framework, but the rules applied could differ greatly from the general rules which the GATT now sets out.

The drive of the developing countries to obtain preferential access to the markets of developed countries is a different problem. Here the challenge, put clearly by the developing countries, is to change the rule. UNCTAD has become the forum for this debate, and the debate is far along. If a satisfactory general preference scheme can be worked out and applied, the rule itself could be changed. Philosophical objections to change seem to have been overcome. The difficulty is in working out a scheme which can be applied with equal fairness of burden to each of the developed countries and with equal fairness of benefit to each of the developing countries. This has not yet been done. It is difficult to do.

In this connection agriculture will be a particular sticking point. A fundamental problem with general preferences in agriculture is bound to be the strong competition to the agriculture of the developed countries which they would develop. This problem leads me to expect that even in the area of preferences, at least in the agricultural sector, countries might seek solutions in relation to particular commodities, and not in a general rule change.

The Kennedy Round has given us an idea of what to expect in dealing with agriculture's policy changes on a product group basis. During the Kennedy Round special negotiating groups were set up for grains, for red meats, and for dairy products, and negotiations took place in these groups over an extended period. Only in grains was agreement reached, and even here the agreement was considerably less than we had sought initially.

In these groups we looked at all of the elements of support and protection afforded these products by the governments concerned. Duties, quotas, variable levies, support subsidies, none was excluded. We tried to determine where the protection really existed and how it would influence the outlook for production and trade in the years ahead. We tried to find formulas for bypassing the roadblocks that the particular instruments of protection posed.

Except for wheat, we were not successful in negotiating any agreement. In wheat we agreed on new international prices and on procedures for administering them. We agreed to have a Grains Council and an international secretariat pursue the work. We also established an international food aid program of 4.5 million tons. The problem of import protection and support remained almost entirely beyond our grasp, however.

Nevertheless, the work of each of the three groups was valuable. I am sure it will provide a foundation for our next try in these areas and I think it likely that the work of these groups will set a pattern for trying to deal with other commodities which are troublesome internationally. The EEC has in the past suggested the GATT countries consider problems on fats and oils, sugar and rice. We disagree on these, but find poultry and some fruits and vegetables a problem. Other countries have other problems they wish dealt with. Not all can be negotiated at one time. We will have to be selective.

As I look ahead at agricultural trade policy, I expect to see efforts in the following directions by the GATT countries.

There will be increased efforts to put specific, negotiated limits on certain support programs as production continues to increase.

There will be heightened interest in limiting or doing away with export subsidies and in negotiating international prices as a way out of the subsidy race.

International Food Aid programs will appear increasingly attractive as a means of enforcing price and removing surpluses.

Commodity councils, or committees, will be seen as a way of keeping in close touch with developments in support, protection and subsidy policies, and as a way of keeping a needed degree of flexibility in them.

And it goes without saying that there will be a continuing effort to limit the use of the variable levy and to moderate its trade effects.

Overall we can look forward to more rather than less international activity in agricultural trade policy.

ANOTHER ALTERNATIVE TO HELP END THE COPPER STRIKE

Mr. MONTOYA. Mr. President, my home State of New Mexico has been significantly affected by the copper strike, which has dragged on for so long. Human misery is severe now, and is growing. Many innocent people are bearing the brunt of the dispute. Its side effects move ever outward, like ripples in a pond after a rock has been thrown. Americans all over the Nation are beginning to feel the pinch as our copper stockpile shrinks and prices begin to rise. The copper miners themselves have been hurt since the first day. Employees in fabricating plants are beginning to be hard hit. It is also well to bear in mind the fact that when one worker is thrown out of work, his entire family suffers as a direct result. At this time of year the total picture that is being presented is especially heartrending.

The copper companies seem to have sufficient copper to last them for the immediate future. This seems to be the reason why they do not feel hard pressed to sit down at the bargaining table and discuss basic issues with the strikers.

There is no indication on the part of our Government that it intends to release copper from its stockpile. Nor is there any reason to believe that it intends to invoke the Taft-Hartley Act. To this last, I say an especial "Amen."

To invoke the act in this case, with its 80-day limitation, would be futile. If, after the 80 days, there was no solution, we would find ourselves in a worse situation than before.

I believe the letter dispatched by the distinguished Senators from Montana [Mr. MANSFIELD and Mr. METCALF] to the President, asking him to set up a special board, is a capital act of statesmanship and reasonableness.

By seeking to use a special board as an instrument for bringing the two sides together, we inject another choice into the equation facing both sides. It is another alternative that is nonexistent now.

Further, if the board does not bring about an ideal settlement, or is unable to bring the two sides together at all, then it can certainly delineate a series of recommendations that would be reasonably equitable to both unions and management.

This morning the union side indicated its acceptance of the principle of the special board. I applaud their reasonableness and willingness to attempt this manner of solution.

However, this morning has also seen a refusal on the part of one of the copper companies. Surely, this is strange behavior on the part of one of the parties to the dispute. I should like to remind the management of this company that we are not living in the gilded age, when business could act in so arbitrary a manner. There is no reason to refuse the good offices of such a board as has been suggested.

Mr. President, by no means am I downgrading the excellent, persistent, and devoted efforts of the Department of Labor and the National Labor Mediation Board. I simply believe that we must add another element to the labor-management equation facing us and affecting the Nation. This strike is hitting too hard at too many Americans, too many elements of our society and in too negative a fashion for us to ignore any possibility.

Personal efforts on the part of individual Senators and groups of Senators have been fruitless so far.

I advocate this form of government involvement because it is the mildest manner in which we can interject a new alternative. Further, it is not coercive on the face of it. As a longtime friend of the working man, I reject out of hand the idea of coercing laboring people.

I would much prefer to see labor and management sit down reasonably and work out a solution together. But this situation is rapidly getting out of hand. Suffering is increasing at a rate that cannot be contemplated with equanimity.

Therefore, I urge that the President act without any further delay.

WHERE WILL AMERICA'S 300 MILLION LIVE?

Mr. MUNDT. Mr. President, on November 20, the Census Bureau estimated that the population of the United States had reached 200 million. The Bureau has projected the future growth of our population and this country should hit the 300 million mark around the year 2000.

This fantastic growth rate whereby we increase by half again in approximately 32 years raises several serious questions. Along with feeding such a population, we must start giving some serious thought to where these additional 100 million people will settle. Will it be in our already overcrowded cities as has been the trend in the past, or will efforts be made to induce them to live elsewhere?

Next week a symposium on urban-rural balance will be held here in Washington. The symposium will, I hope, shed a little light on the problem of population and economic imbalance. It is also the first step toward an in-depth study of what can be done to attack the interrelated problems of declining rural areas and overcrowded cities. Such a study is envisioned in Senate Joint Resolution 64, which would establish a Commission on Balanced Economic Development. The joint resolution unanimously passed the Senate October 27 and is presently in the Committee on Interstate and Foreign Commerce of the House of Representatives. I hope that that committee, of which the able and distinguished Representative from West Virginia, Hon. HARLEY STAGGERS, is chairman, will hold hearings on the joint resolution as early as possible next year.

Mr. President, the passage of Senate Joint Resolution 64 generated additional comments by columnists and editorial writers. I ask unanimous consent that Willard Edwards' column, published in the November 7, 1967, Chicago Tribune, and editorials published in the Huntington, W. Va., Advertiser of November 10 and the Oil City, Pa., Derrick of November 15, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Chicago (Ill.) Tribune, Nov. 7, 1967]

WHERE WILL AMERICA'S 300 MILLION LIVE?

(By Willard Edwards)

WASHINGTON, November 6.—It's a crazy, mixed-up world, the senator said, when one government agency spends millions of dollars encouraging citizens to remain on small farms and another spends millions training them for jobs available only if they move to cities.

He cited other instances of conflict between federal bureaus, each devoted to its own interests, as government-sponsored programs have expanded by leaps and bounds in a vast hit-or-miss drive to overcome economic and social problems.

The department of defense awards a huge military contract to one region of the United States, offering the possibility of hundreds of new jobs. At the same time, the Economic Development administration opens a big project in the same area, teaching the unemployed a trade unrelated to the defense industry, offering employment only in another area of the United States where certain skills are scarce.

The Senate listened quietly as Sen. Karl E. Mundt [R., S.D.] continued outlining the absurdities of a patch-work system of welfare programs designed to relieve poverty, to decrease unemployment, to improve housing. All have a common and admirable goal—the improvement of society—but too often the bureaucrats in charge defeat this aim in a battle to surpass each other in expenditure of more than 50 billion dollars a year in taxpayers' dollars.

APPROVES NATIONAL COMMISSION

Mundt found it astounding that no attempt has ever been made to coordinate these programs into a national pattern that would systematically seek a social, economic, and population balance in all the 50 states.

His statement was so persuasive that the Senate unanimously approved his resolution for creation of a National Commission on Balanced Economic Development. The House is expected to add its indorsement. The commission will be directed to report within two years its recommendations for coordinated efforts at all levels of government and the enlistment of private enterprise in a mass attack on economic and social problems.

Another commission, headed by former President Hoover, performed prodigious labors after World War II when the nation was in the throes of shifting from a wartime economy to what was hoped would be a peaceful world. It sought to pull together the many fragmented activities of federal agencies and bring businesslike methods to bear upon the federal colossus.

NEED ORDER IN COSTLY PROGRAMS

Now, said Mundt, another crisis impended and another Hoover commission was needed to study and attempt to bring order out of a mushroom growth of enormously expanded and costly federal welfare programs, most of them concentrated on the social and economic problems of crowded cities.

He found it strange and disturbing that citizens in a fabulously rich country, with unexhausted resources, should be jammed into overpopulated areas while vast, unpopulated lands remained idle. Unchecked migration to big cities has resulted in a strangling congestion there, producing unemployment and lawlessness, while rural areas rot and die.

"The honeymoon is over," he said. "We can no longer afford the luxury of uninformed growth. From here on in, we must make the ultimate use of our resources and our land. We can't afford the luxury of 10 or 20 years for correction of our social and economic problems on a piecemeal basis. Time is running out."

A jaded and exhausted Congress was inclined to agree.

[From the Huntington (W. Va.) Advertiser, Nov. 10, 1967]

IMPROVED ECONOMIC BALANCE WOULD EASE MANY PROBLEMS

The compelling reasons for unanimous Senate approval of Joint Resolution 64 to establish a commission on balanced national economic development have been clearly set forth by Sen. Karl E. Mundt, R-S.D., its sponsor.

Even before Sen. Mundt's discussion of the measure preceding the vote, strong support had been indicated by the more than 20 cosponsors. The bipartisan nature of the support was evidenced by the almost equal division between Democrats and Republicans.

No doubt these senators who had previously voted for several separate measures to help solve the problems of crowded cities and depressed rural areas realized that progress had been unsatisfactory.

The resolution on balanced economic development presented what Sen. Mundt and the more than twoscore cosponsors hoped would open a new era of planned progress and combined efforts to bring a fairer share of the nation's riches to all the people.

As important as some of the separate programs are, Sen. Mundt said, "they, unfortunately, do not provide for coordination of their specific ends into a significant and systematic program for a national goal."

The present critical state of national development, he continued, "demands a sober, honest look at the causes of the social and economic illnesses besetting America."

It is necessary, he said, to consider the responsibility of local, state and federal governments along with that of "the private sector of our economy. . . ."

During the two years the commission would operate under the resolution, it would collect and analyze information on the factors influencing the geographic location of industry.

It would thus be expected to determine the factors that would be necessary to attract industries to rural areas and smaller communities as a means of bringing about a more balanced economy.

Sen. Mundt said he believed the commission's report would "serve both the legislative and executive branches of government in defining the nation's social and economic goals . . ."

Confusing efforts for aiding the people of Appalachia were offered as an example of the need of coordinating such federal programs.

The Appalachian Regional Commission, Sen. Mundt said, has spent large sums trying to find means of enabling the people to earn incomes that will induce them to stay on their small farms.

Another federal agency, he said, is trying to persuade the people to move into other communities affording better water supply, sewage disposal and health facilities.

This clearly indicates the need of coordinating programs for aiding depressed areas to avoid conflict or duplication of effort.

Such a unified approach can be most effective under a broad program that will take into account the related problems of declining rural areas and the multiplying needs of big cities.

This broad program is what sponsors hope to achieve through their resolution for balanced economic development. The need of this attack became apparent from the increasing rural and urban problems just as expanding activities of the Army, Navy and Air Force created the need of the Defense Department for overall control.

When the commission created under the resolution makes its recommendations, there will be need also for unified direction of efforts just as there is need for a single command of American and allied forces in Vietnam to work out strategy and order attacks that can accomplish the best results.

Sen. Mundt emphasized the widespread support for the resolution by citing editorial comments in The Washington Post, a newspaper in a big city, and in The Advertiser, which serves a community of smaller population.

Sen. Robert C. Byrd, D-W. Va., who was acting majority leader at the time, joined in the comment and became one of the cosponsors of the resolution.

The unanimous vote by which the measure was approved demonstrated the Senate's realization of the urgent need of planning and coordinating efforts for national development.

The recommendations of the commission could provide not only for a better balance

in economic growth but for a practical attack upon the problem of extending civil rights alike to all Americans.

Creating new job opportunities in depressed rural areas would help disadvantaged groups to rise above the poverty level, improve their education, take a more active interest in public affairs and win respect to replace age-old prejudice.

This would greatly reduce the migration from rural to urban areas and eventually could open the way for bringing millions back from the depressing slums to the sunshine and pure air of the countryside.

The resulting better balance in population would help simplify the perplexing problems of the cities and would spread to many more people a rightful share in the best life ever lived.

Such a possibility should strongly influence the House of Representatives to overwhelming approval of the resolution.

[From the Oil City (Pa.) Derrick, Nov. 15, 1967]

MASTER PLAN FOR AMERICA

One of the strange things about this country is that we continue to jam people in overpopulated areas while vast, unpopulated lands remain idle.

We are pouring millions of dollars in the cities to try to solve the problems created by high population densities. We tear down and rebuild, we experiment with solutions, we spend liberally trying to avoid crises. Yet the metropolitan areas get bigger, and the troubles bigger.

Unchecked migration to the big cities has resulted in a strangling congestion there, producing unemployment and lawlessness.

And while we pay dearly for the square yards of space in cities for widening roads, constructing parking lots, or erecting high-rise apartments, there are thousands of acres of lower-priced land in rural areas all over the country.

To work towards spreading out the population would seem to have many things in its favor. It should alleviate the pressures on the big cities. Less money would be wasted on piecemeal solutions.

Perhaps what we need is a master plan for the United States. We zone cities, why not zone the United States; then try to spread out economic development and population.

JEAN MONNET, ALSO OF FRANCE

Mr. JAVITS. Mr. President, as Senators may know, Jean Monnet, one of the architects of European economic unification, is in Washington briefly. While visiting our country, he has made several speeches reaffirming the fundamental relationships that tie Europe and the United States together and which are often obscured by our annoyance and concern over some of the statements or actions of President de Gaulle.

The presence of Jean Monnet in our midst during a time of trial for this Nation is most reassuring, and I am personally most grateful for his positive and clear-sighted statements on the U.S. relationships to Europe, on the need for the formation of larger regional entities in the world like the European Common Market, and on other urgent world problems.

I ask unanimous consent that James Reston's column about Jean Monnet, published in this morning's New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WASHINGTON: A GREAT FRENCHMAN COMES TO TOWN

(By James Reston)

WASHINGTON, December 7.—Many visitors come to Washington these days from overseas, but few with as cool and clear a mind or as steady an eye on the long future as Jean Monnet of France.

He always seems to show up here just when there is hurt in our hearts about France, and he always says the same thing, and it always sounds new because we tend to forget his quiet wisdom when he's gone.

I believe in America, he says. Vietnam is a passing phase, a tragic event in the long and difficult adjustment to new world conditions, but for all the present divisions and confusions, the slow movement toward interdependence among nations goes on.

THE FATAL SPIRIT

In Europe, he says, we have seen and suffered from the spirit of domination and nationalism. Over the centuries, one after another of the principal nations of Europe has tried to dominate the others. Each believed in its own superiority; each acted for a time in the illusion that superiority could be affirmed and maintained by force. Each in turn was defeated, and each failure grew more catastrophic as the weapons of war grew more powerful.

Monnet is not diverted from his simple themes by disappointment or even war. He did not lead the way toward the unification of Europe by concentrating on narrow immediate problems. The thing to do, he believes, is to change the conditions surrounding the problems; to work toward larger groupings of nations that can deal on more equal terms with the United States and the Soviet Union, and to avoid the spirit of domination, which is the curse of the age.

UNITE AND CONQUER

It must have been reassuring to President Johnson to listen to this compassionate man this week. Monnet looks back of Vietnam and beyond it, and sees in the longer reaches of American policy good reason for hope.

"Instead of following the old maxim of divide and rule," he said the other day in New York, "America, the world's most powerful nation, has not behaved as if it feared a rival but as if it sought a partner. . . . I have lived in your country long enough to know that what some people think is a will in America to dominate is really the desire for efficiency, which is quite another matter. If the United States wished to dominate, it would seek to maintain national divisions in Europe, whereas it supports European unity."

Yet Monnet, though confident of the future, is not happy about the present. He believes we get in trouble in the world because we have no clear objective and no adequate procedures for reaching policy decisions. He is not satisfied with the present form of consultation between sovereign nations, but believes the nations must work together, not to achieve their separate goals but to change the conditions which give rise to the problems.

"I am more than ever convinced," he says, "that world peace can be safeguarded only by the formation of larger entities in the world like the European Community, meeting and discussing problems inside common institutions, whether these problems be of political, defense or monetary policy."

THE MONNET PRINCIPLE

The guide of the future, as Monnet sees it, lies in applying to international life the lessons we have learned inside the democratic societies of the West. "Within national frontiers," he observes, "men long ago found and developed civilized ways of dealing with conflicts of interest; they no longer needed to defend themselves by force. Rules and institutions established equality of status; the poorer and weaker organized themselves to exert greater influence; the more powerful and the less-favored recognized their common interest. Human nature had not changed: it was human behavior that had been changed by common institutions under conditions providing at least a minimum of well-being. . . ."

NATIONALISM

His complaint is that across frontiers nations still behave as would individuals if there were no laws and no institutions, and his purpose now, as it has been for over forty years, is to work away slowly and steadily toward the application of this unifying and civilizing principle among nations.

In the narrow and tangled mood of Washington today, this vision of a larger purpose beyond Vietnam, even beyond American nationalism, has, as usual, impressed everybody who talked to Monnet. The number, alas, was not large. Congress hears the soldiers and the visiting shahs, but the philosophers and prophets it seldom hears, and it is philosophy and hopeful prophecy that the capital needs now more than almost anything else.

LOAN OF ADDITIONAL DESTROYER TO KOREA

Mr. CANNON. Mr. President, I am somewhat relieved that the House and Senate in conference today authorized for Korea, one of our best friends and stanchest allies, and currently our strongest supporter in the conflict in Vietnam, the loan of two additional destroyers. Korea's only destroyer is playing a critical role in thwarting the infiltration of North Korea agents from the sea. I have just returned from the Republic of Korea, and their records for the past year show numerous landings being made by infiltrators who come over the sealanes. The rate of incidents is up more than 10 times this year over last year. Very few landings occur on the coast that is being patrolled by their destroyer.

With a destroyer patrolling each coast simultaneously, there will be a significant increase in ability to intercept enemy agent boats.

The House and Senate are to be congratulated in passing this most important legislation.

MENTAL HEALTH AND MENTAL RETARDATION CENTER COMMUNITY SERVICE DEMONSTRATION PROJECT FOR BOULDER COUNTY, COLO.

Mr. DOMINICK. Mr. President, the Western States were built on a reputation for meeting and solving problems head on. In this day and age of chronic complainers and negative demonstrators, I am happy to report the upholding of that fine western tradition of do-it-yourself individualism by a group of Coloradans.

On Sunday, November 5, more than 2,000 citizens and college and high school students of Boulder, Colo., took to the streets in a drive to collect 3.5 million trading stamps to be exchanged for two buses for the use of retarded children and adults. Three hours and forty-five minutes later, over 6 million stamps had been collected from Boulder housewives.

It is a proud moment when a community can join with college and high school students to tackle a problem and achieve such an outstanding success.

An editorial published in the Boulder Daily Camera and a letter from the chairman of the Mental Health and Retardation Center in Boulder tell a strong story of a dynamic, active community. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BOULDER CITY-COUNTY
HEALTH DEPARTMENT,
Boulder, Colo., November 9, 1967.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: Thank you for your letter of October 26, 1967, and your interest in our project.

* * * * *

The following are three paragraphs of a letter that is being sent to all women's organizations in Boulder County to assist in conducting a final local campaign drive:

1. In three hours and forty five minutes on Sunday, November 5, 1967 a miracle was accomplished by 2,000 college students, high school students and citizens when over 6,000,000 Gold Bond trading stamps were collected from Boulder, Colorado housewives for the purpose of purchasing two passenger buses for the use of retarded children and adults of the Boulder County Sheltered Workshop and North Broadway School in Boulder.

2. In the interest of construction of a combined Mental Health and Mental Retardation Center in Boulder, over 50 women's organizations and individuals in Boulder City and Boulder County are being asked to continue this citizen's momentum by conducting a Christmas Holiday fund raising campaign asking family Christmas Holiday Contributions for the project in amounts from $15.00 to $1,000.00 which can be placed in 1967, 1968, and 1969.

3. A meeting of representatives of all women's organizations throughout the City and County of Boulder, members of the campaign organization, and board will be held at the Auditorium of the Health and Welfare Building, 3450 Broadway, Boulder, Colorado, 7:30 Monday evening, November 20, 1967. The purpose of the meeting will be to plan a final fund drive for this combined Mental Health and Mental Retardation Center. We need your organization's help to meet the goals of this National Demonstration Project. For your interest we are enclosing a campaign brochure and project summary sheet which further explains the project and its goals.

Enclosed are copies of local newspaper articles explaining the successful Gold Bond Trading Stamp Project recently conducted in Boulder, Colorado. I believe this is the first time in the United States that over 2,000 college students, high school students and citizens have rolled up their sleeves and worked together for such a worthy cause. I think it is about time that we have some National Publicity on the positive actions of college and high school students for a community project.

* * * * *

We need your help to make this unique project become the first of its kind in the United States a success, and thank you for anything you can do to help us.

Very truly yours,

CHARLES H. DOWDING, Jr., M.D., M.P.H.,
Vice President and Chairman, Foundation Committee, Fundraising Campaign, Mental Health and Mental Retardation Center, Inc.

[From the Boulder (Colo.) Daily Camera, Nov. 6, 1967]

OVER THE TOP

In three hours and 40 minutes Sunday, many more than the required 3.5 million Gold Bond Stamps were collected for the bus for the Boulder County Sheltered Workshop and North Broadway Center. Ruth Wood, director of the center, and Henry Werner, president of the Boulder County Mental Health Association, mark the scale. Officials estimate that more than 6 million stamps will be in the final count. Plans are to use the extra trading stamps for a smaller nine-passenger vehicle and perhaps other equipment. Hundreds of citizens, university students and high school students participated in the 1 p.m. to 5 p.m. drive. The drive was kicked off at a rally in the Arapahoe Shopping Center by Mayor Robert Knecht.

[From the Boulder (Colo.) Daily Camera, Nov. 6, 1967]

STUDENT LEADERS

Doug Ghertner, president of the University of Colorado Inter Fraternity Council, and Linda Valdez, president of the University's Panhellenic Council, assist at the tally board Sunday in the Harvest House after hundreds of students from various campus and city organizations took part in the "Walk for a Ride" bus drive. The students brought back more than four million Gold Bond stamps and Gift Star coupons to go toward the bus for the Boulder County Sheltered Workshop. The top stamp gathering groups were the Newman Center with 570,253; and Alpha Gamma Delta sorority, 348,041. The sororities gathered 2,342,807 stamps and the fraternities 1,379,851. Over 5,381,000 stamps were collected and counted in the four hour period Sunday with a final count expected to top 6 million.

[From the Boulder (Colo.) Daily Camera, Nov. 7, 1967]

PASTIN' AND COUNTIN'

For nearly 30 members of the Boulder High School Thespians Club Sunday afternoon was spent pasting and counting trading stamps at the Harvest House in the "Walk for a Ride" stamp drive. From left are Ellen Curtis, Bob Buchanan and Wayne Fulks, club president. The Thespians, along with several hundred other University student organization members, other students and Boulderites, collected about 6 million stamps for the Boulder County Sheltered Workshop and North Broadway Center. The stamp counting process was not completed even today, so good was the public's response to the drive. The goal was 3.5 million stamps for a 36-passenger bus, but the number collected will make possible other equipment as well.

[From the Boulder (Colo.) Daily Camera, Nov. 7, 1967]

HOW MIRACLES ARE MADE TO HAPPEN

It was like a shower of pennies from heaven. And the pot of gold at the end of the rainbow turned out to be two.

With a face value of only one-tenth of a cent each, Gold Bond trading stamps were swept up Sunday like leaves on the fenceline in an autumn breee. Hundreds of Boulder citizens, and University and high school students went through the city Sunday like a great human vacuum cleaner in an effort to glean three and a half million trading stamps from generous householders.

Object: to exchange the stamps for a 36-passenger bus to serve the Boulder County Sheltered Workshop and North Broadway Center. These facilities work with retarded children.

Result: almost twice as many trading stamps as hoped for—more than six million—enough to get the anticipated bus plus a smaller nine-passenger vehicle and perhaps other needed equipment too.

Anybody who doesn't believe in miracles will have to think again when he notes that the whole job was done in just three hours and 40 minutes.

Hippies and chronic protestors can wallow in their oddball philosophies, bemoaning the faults of society and doing nothing to cure them but make negative noises and show off in public.

What an inspiring contrast we see in the positive action of young people and others last Sunday. They saw a job that needed doing and instead of shaking their heads or their fists and clucking their tongues, they rolled up their sleeves.

That's the way the good society of America was built. And the way it will be perpetuated.

THANKS TO ALL

On behalf of the students, parents, staff, and board members may I take this opportunity to thank the people of Boulder for being so generous in helping with the "Walk for a Ride" appeal Sunday afternoon.

The students of the University of Colorado are to be congratulated for all their time and efforts, as well as the merchants who also contributed in so many ways. The drive for Gold Bond trading stamps for a Center bus went over the top.

Congratulations.

Mrs. RUTH M. WOOD,
Executive Director, Boulder County Sheltered Workshop and North Broadway School.

REVIEW OF THE BOOK, "MOUNTAIN OF GOLD," BY BETTY LEE SUNG

Mr. FONG. Mr. President, a book that very much needed to be written has just been published by the Macmillan Co. It is entitled "Mountain of Gold: The Story of the Chinese in America," and was written by Betty Lee Sung.

The author traces the history of the Chinese back to the days of the Gold Rush, when they first came to mine gold in the hills of California. Shortly afterward, they were recruited in large numbers to help open up the U.S. frontier.

Especially noteworthy among their many contributions to the building of the West was their role in the construction of the transcontinental railroad and its branch lines which welded this Nation into one.

But when their work was done, the Chinese found themselves unwanted, feared, and persecuted. The phrase, "Not a Chinaman's chance," was born of this period and culminated in the infamous Exclusion Acts which barred them from this country for more than 60 years and prevented them from becoming citizens.

Because of the tremendous influx of Chinese immigrants—200,000 from 1850 to 1880—following the discovery of gold in California, Congress enacted the first of the Chinese Exclusion Acts of 1882. The act suspended immigration of Chinese laborers to the United States for 10 years, although Chinese already in the country on November 17, 1880, were allowed to leave and reenter.

Two years later, the Chinese Exclusion Act of 1882 was tightened even further. Not only was the period of suspension of Chinese immigration extended another 10 years in the act of 1884; the stricture was made applicable to all Chinese,

wherever their birth or whatever their national allegiance.

While the Chinese Exclusion Act of March 12, 1888, allowed entry of Chinese officials, teachers, students, merchants, and travelers for pleasure or curiosity, the legislation of October 1, 1888, took away from Chinese laborers the right of reentry into the United States, unless they had reentered before the date of the act.

These exclusion laws were extended again in 1892 and in 1902; in 1902 they were extended without limitation.

How the Chinese immigrants reacted to the indignities, the discrimination, and the injustices wreaked upon them is little-known but fascinating history and also provides a useful comparison with the experience of other minority groups.

More important than the book's historical account is the sociological study of the present-day American-Chinese communities. Such a study has been only rarely undertaken, and Mrs. Sung has done it well.

She analyzes the American-Chinese population in regard to total population, distribution by State, age, education, occupations, vital statistics, and some of the current attitudes of the Caucasian population toward them. There are chapters on Chinatowns, the impact of the Christian church on established religious patterns, the family and its adjustment to life in America, and the rapidly changing occupational undertakings of the Chinese people—from the hand laundries and restaurants in the 1800's to the professions to which many have turned as educational opportunities increased and in which many have made outstanding contributions in the arts, business, and science.

For example, Lin Yu Tang, Chinese philosopher and author; Dr. Chen Ning Yang and Dr. Tsung Dao Lee, who jointly won the Nobel Prize for Physics while engaged in research in the Princeton Institute of Advanced Studies.

"Mountain of Gold" has been well received in scholarly circles. Prof. Shirley Hopkinson, of San Jose State College, in California, recommended the book in the publication Library Journal for the general reading as well as for scholarly research. Publisher's Weekly called it "factual," "lively," "thoughtful," and "well written." Professor of History Herb Wood, at the State University of Washington found the book "absolutely delightful."

The book has also been favorably received by an understandably critical American-Chinese community. Kwang-Lien Lee, chairman of the national Lee Family Association, wrote:

> It is truly a scholarly piece of work. It will help the reading public understand the Chinese-Americans and the latter, their heritage.

Wei-Shien Yuin, editor of the Long Island Chinese Center Newsletter, expressed the sentiments of many Chinese-Americans when he said:

> It not only says what you might want to have said, but makes extremely interesting reading also.

The author, Betty Lee Sung, is a second-generation Chinese-American who writes from intimate knowledge of her own people. She has lived and studied in China and speaks three Chinese dialects. Much of the information for this book comes from firsthand observation and interviews with hundreds of people. It is a book that no outsider could have written.

Mrs. Sung's credentials are noteworthy and of a high order. She is an alumna of the University of Illinois and a member of Phi Beta Kappa. For 5 years she wrote a special feature for the "Voice of America" on the Chinese in the United States. She has held editorial jobs with Channel Press and Doubleday. She holds a masters degree of library science from Queens College of the City University of New York and now works as a librarian with the Queens Borough Public Library.

Mrs. Sung resides in Douglaston, N.Y. She is the mother of four children—two sons and two daughters.

I am delighted and pleased to call the attention of Senators to this very excellent book, and to commend it without qualification to all persons who may be interested in the story of one of America's minority groups.

SERMON ENTITLED "THE CHURCH AND PEACE MARCHERS," BY DR. JOHN R. STUCKEY

Mr. THURMOND. Mr. President, in recent weeks the attitude of certain clergymen toward U.S. involvement in Vietnam has been a matter of much controversy and public attention. There has been brought to my attention a sermon entitled "The Church and Peace Marchers," delivered by Dr. John R. Stuckey at the Capitol Hill Metropolitan Baptist Church on October 22 of this year. The sermon takes an entirely different approach in assessing, from a Christian viewpoint, U.S. involvement in Vietnam. The thought and the clear, lucid reasoning contained in the sermon make it one of the finest it has ever been my pleasure to read. Dr. Stuckey is to be highly commended for examining the war and its many domestic ramifications in such an excellent manner.

I ask unanimous consent that the sermon be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

THE CHURCH AND THE PEACE MARCHERS

(Sermon preached by Dr. John R. Stuckey, at the Capitol Hill Metropolitan Baptist Church, Sixth and A Streets N.E., Washington, D.C., October 2, 1967)

The church's role in the current war-peace conflict has been confused and confusing. The voices that have been most consistently heard have been those of the left. It seems imperative to me to make this attempt to articulate what I honestly and sincerely believe should be the role of the church with reference to the Viet Nam war in particular, war in general and, in a broader sweep, the draft.

This week-end 55,000 citizens of this wonderful land of ours have made the pilgrimage to Washington (or already live here) to march in protest against the draft and against our involvement in Viet Nam. A movement of this magnitude cannot and must not escape the judgment of the church. If it is right—we should join it. If it is wrong—we should speak out against it. The issue is that clear and simple to me. I did not join it. Therefore, I speak out against it.

WHAT DOES THE BIBLE SAY ABOUT WAR?

There are 247 times in the Bible when the word "war" is used—most of these times in reference to armed conflict between tribes or nations. Most of these are in the Old Testament, some in the New. Two things stand out in bold relief in a study of these passages.

First, God often commanded His people to engage in war—often fought with them—and frequently gave them victory. The Old Testament declares that "God is a man of war." Therefore, we cannot say that all war is all evil.

Second, the Old Testament in particular, but the New Testament to some degree, looks toward a time in history when peace shall reign and war shall be no more—"when nations shall beat their swords into plowshares and their spears into pruning hooks." But, that will pertain to the Messianic Kingdom—a Kingdom characterized by the rule of God in the lives of men and in the affairs of the world. It is to be a time when truth, righteousness, justice and mercy will flow naturally and abundantly from the hearts of all men. We do not now live in such a time as this.

These two principles added together indicate that we cannot solve the problem of war by a direct quote from Scripture. It must be answered on the basis of a realistic approach to the human situation as it is—not as we would like it to be. We do not live in a perfect world—therefore, the pacifist role cannot be sucessfully acted out. In reference to the coup in Greece and the United States' response to it a government spokesman commented this week, "It is not possible, the world is simply not made, so that we can have everything just as we want it." This is equally true with respect to Viet Nam and to war in general.

Peace must always be our working goal. But peace can only be fragmentarily achieved in our kind of world. One man finds peace in his work, but conflict in his home life. Another finds peace in his family relationships, but conflict in his social experiences. One nation will be at peace with one neighbor and at war with another, or at peace in one decade and at war in another, or at peace with all its neighbors, yet have internal strife. War is a simple fact of political and social realism. We must work to minimize it—we cannot eradicate it altogether. We certainly cannot wish it away, talk it to death, or demonstrate it into some kind of limbo of non-existence.

My personal reaction to the peace protesters is illustrated by the story out of the old West of the drunken cowboy who lassoed the locomotive. We might have to admire his ambitions, but we would be forced to question his wisdom and judgment.

In this current conflict of ideas the church finds its total inability to sit in theoretical judgment. We cannot quote from verse one of chapter one of book X of the Bible that war is wrong at all times and under all circumstances. We cannot even discover with total clarity those circumstances under which it might be the lesser of two evils. We are faced, therefore, with the necessity of judging this war, being fought under these conditions, in 1967. We will not find our answers in the past—we can only discover them in the present. This brings us to two questions as we try to identify our own response to the massive demonstrations of this past week.

WHO ARE THESE PEOPLE ANYWAY?

First, I believe we are justified in asking who are these people anyway? Perhaps this question and its answer is not essential to a

definition of our own position—but I do feel that it is helpful to ask it. Vocal, loud, demonstrative and sometimes violent, they seem to fall into one of five categories.

First, some of them are cowards! Some simply do not have the courage to face the prospect of having to fight for their freedom. They are perfectly willing to enjoy the privileges of that freedom, but do not have the guts to defend it for themselves or to assure it to others. These are to be scorned! It requires no real courage to march—or to turn in a draft card. There is not one chance in one thousand that any action will be taken against such persons. In an interview Friday over a local station one young demonstrator was asked why he was burning his draft card. His flat answer was, "I don't want to go to Viet Nam!" When asked if he was not afraid he would be prosecuted his answer was, "They can't prosecute all of us."

Second, some of them are agitators, trouble-makers, in many cases, I am sure, Communists and Communist sympathizers who are dedicated to the destruction of America, the freedom which it enjoys and the hope for such freedom that it engenders in others. One of the leading organizers of this march has made two unauthorized trips to Hanoi where he has consulted with the North Vietnamese rulers and the leaders of the National Liberation Front in the South. Others are members of and leaders in Peking-oriented Communist organizations. In other cases, the anti-social types who, if they were not doing this, would be revolting in other equally unacceptable, anti-social ways. These are to be feared and opposed.

Third, the idealistic young—still immature enough that their actions are but reflections of someone else's thoughts. They are confused but determined in their stand and not open to reason. These are to be pitied. It is also imperative that they be led to see the results of their behavior.

Fourth, the thoughtless, the crowd-followers. Those out for a lark. Again, they are to be pitied, but also to be shown the dangers of the position to which they give the weight of their numbers. I am reminded by this group of the Candid Camera program I saw a couple of years ago. A small group of people were walking around in a circle carrying protest signs. As persons would stop to watch them, one of the group would go over and try to persuade the onlooker to join in the protest march. Many did—without ever being given the vaguest idea of what the protest was all about. One wonders how many thousands of such gullible persons are in Washington this week-end.

Fifth, there are those who are genuinely and by conviction opposed to the draft, to war, and/or to Viet Nam—persons who honestly and sincerely feel that this is their only way of expressing an effective opposition. They are very dedicated to this and think of themselves as saviours of the world. These persons must be heard, but somehow they too must be led to find a more responsible road to dissent.

WHAT ARE THE REAL ISSUES IN VIETNAM?

We come now to the real crux of the entire matter. What are the real issues in the war in Viet Nam? Are the issues such that the church can say, "While we deplore the necessity of war, we feel constrained to lend our support until the stated objectives can be honorably achieved?" I believe that they are, therefore, I believe that those who have marched on the Pentagon this week have done a serious disservice to our country and to the more than half-a-million men now engaged in the struggle in Viet Nam.

The first and overriding issue is Communism, with its designs of world conquest. In the minds of many responsible persons lies the assurance that behind the protests of this week lurk Communist designs. A United Press International survey indicated that the more responsible peace organizations in the country have refused to be involved in this march. A Washington area pastor has been quoted as saying that he is "deeply disturbed about some of the people who seem to be running the show."

There is no social and political issue of our time that is of greater concern to the church than is Communism. Communism is atheistic—not in a passive way, but in an aggressive, militant way. It is the right of any man in our free society to deny the existence of God—but it can be the right of no man in any society to deny to others the right to express their belief in God through worship and evangelism. The history of Communism at this point is well known and well documented. It permits only a limited number of churches in any given locale, and seriously restricts the activities of those. It prohibits families from teaching religion to children. It prohibits the teaching of the Bible to children in the ways so common to us, such as Sunday Schools. It imprisons, discriminates against, and often destroys Christians, and in particular Christian leaders. It uses every means and method at its command to destroy the idea of God from the face of the earth. It permits no opportunities for Christians to fulfill the commands of our Lord to "go into all the world and make disciples of all nations;" or to "go home and tell them what great things the Lord has done for you;" or to be "witnesses unto me."

Let us not forget that the central issue in Viet Nam is Communism—therefore, the central issue in these demonstrations is also Communism. In a speech made on October 17, at Fairfield University former Attorney General Katzenbach stated that our objective in Viet Nam is "to protect the independence of South Viet Nam from external interference and force. . . . It is not we or the South Vietnamese who are unwilling to coexist. It is the North Vietnamese who are unwilling. It is they who are relentless in their efforts to take over the government of their enemy." And we know all too well that such efforts are only preludes to the ultimate objective of taking over the government of the United States.

Many events of the past few weeks lead me to believe that we have allowed our defenses against the internal spread of Communism to relax to a point of potential danger to our nation. Apparently the Communist infiltration of our college and university campuses has succeeded even beyond the fondest hopes of the Communist party. There can be no other possible explanation it seems to me for incidents such as the protests against Dow Chemical recruiters at the University of Wisconsin, the protest against Navy recruiters at the Brooklyn College Campus, the protests at the University of Michigan because some professors there are engaged in research projects connected with the location of Communist guerrillas in Thailand, and other similar protests across our nation. No sensible and rational person believing in the principles of democracy would be so dedicated to the subversion of those very principles. It is nothing short of shameful that the highest representatives of our government, the salaried employees of our great industrial concerns, and the very finest representatives of our American patriots are impeded in their attempts to free access to college campuses and audiences. These same groups who demand for themselves free access to the halls of the Pentagon this week, have in the past few days attempted to deny to others free access to academic halls. How does one explain this? Either these persons are unbelievably bigoted, unbelievably stupid, Communists, Communist sympathizers or Communist dupes. I wait to be shown any other possible explanation.

Have the peace demonstrations this week actually served the cause of world Communism? Or, is this simply a red herring being drawn across the trail in an attempt to confuse the real issues and rally support for President Johnson's Viet Nam policies? Perhaps the best answer is one that comes from the North Vietnamese themselves. The Viet Cong have now activated a special committee to establish relations with "all progressive organizations and individuals in the United States" who are opposing the war. The stated purpose of the committee is "to unite and coordinate with the American people . . . in demanding that the U.S. government put an end to its aggressive war in Viet Nam." This special committee has already sent messages of support to two New York anti-war organizations: The National Mobilization Committee—which is the sponsoring group for this week's march on Washington—and the Student Mobilization Committee. It was also reported to have sent a message of congratulations to the protesters involved in the anti-draft demonstrations in Oakland, California this week.

The North Viet Nam Defence Minister, Vo Nguyen Giap, has described American opposition to the war as "valuable mark of sympathy and support." In a lengthy article in September, General Giap stated that they were counting on wearing us down and depending on a failure of will and determination on our part and on the part of our allies. He said that this was the strategy used against the French, and it was successful. American analysts interpret the formation of the just mentioned committee in Viet Nam as reflecting a growing belief in Hanoi that resistance to the conflict inside the United States is becoming significant. How can anyone doubt that events such as the one occurring in Washington this week advance the cause of Communism? How can anyone doubt that many of the organizers have exactly this goal in mind? How can anyone doubt that Christians and churches must align themselves in opposition—not because we approve of war, but primarily because Communism must be opposed. As Mr. Katzenbach has reminded us, "Significant to . . . the experience of all of us who lived through the period between World Wars I and II is the finding that armed aggression cannot be met simply by appeals to reason and virtue. Armed aggression is not deterred by rhetoric or wishful thinking."

A second very real issue in Viet Nam is the right of man to be free and of governments to be self-determining. It goes without saying that the church has an interest at this point. God dignified man by becoming man in Jesus Christ. God stamped man as priceless by the giving of His Son to save all men. No man has the right to enslave any other man. Jesus specifically said that we are to call no man master because we have only one Master—God.

Former White House aide Theodore C. Sorenson called this week for an "indefinite and unconditional" suspension of bombings in the North to "test Hanoi's sincerity and see how it will reciprocate." And yet as late as this past Thursday Hanoi called Secretary of State Dean Rusk's offer of a bombing pause in the North in return for peace talks to the war "sheer deception." He said that all U.S. proposals thus far have been rejected because of the failure of the U.S. to withdraw all of its troops from South Viet Nam. One wonders what "sincerity" there is to test on the part of the Viet Cong and the North Vietnamese? They are quite evidently sincere—that is, in their determination not to stop short of total conquest in South Viet Nam and total enslavement of the population of that country. Mr. Sorenson stated that our original goal in South Viet Nam was to make it "terror free." One wonders if it seems permissible now to abandon that goal and to subject the South Vietnamese people to a life of terror. Reliable statistics indicate that the Communist take-over in China cost

the lives of more than 20,000,000 Chinese. It is doubtful that the cost in lives of the Bolshevik revolution in Russia, and some of the purges under Stalin will ever be known. They certainly run into the millions. The sufferings of the people in Hungary is too widely known even to need discussion. The oppression of East Berlin and the necessity of building a wall to keep the victims of Communism from fleeing is only underscored by the progress of West Berlin and free Germany.

I interpret the march in Washington as a march against the right of other men—the faceless men and women and children in South Viet Nam—to be free and self-determining. In spite of what the character assassinators may say to the contrary, I cannot believe that our government is run by a group of "war lovers" hungry for world domination. Quite the contrary. I suspect that President Johnson feels that he has more problems now than he can handle. He does not want the rest of the world's. The military has been accused of being a diabolical group of kill-crazy men. I think we need to remind ourselves that within our church are some professional military people. These men by and large are fathers and husbands, P.T.A. members, church workers, responsible citizens. Mr. McNamara has come under special fire. He is not right all of the time—but he has been given a job of gigantic proportions—to see to the defense of our country, to the liberty and freedom of future generations. He, too, is a man of the same feelings and emotions as the rest of us. I am not waving a flag for President Johnson—as a matter of fact, I think he could make better decisions in many areas if he would just ask me for advice first—but I do insist that he and these other men are responsible men. They may not always be right, but their conduct in this Viet Nam crisis has shown them to be men of courage and determination. Let us pray that they may keep their courage, and that they may find the resources to bring us through the crisis. I cannot believe the charge that these men are playing politics—buying votes, if you please—with the lives and shattered bodies of our men in Viet Nam and the tears and broken hearts of widows and mothers and dads in our country.

No, there is a much larger issue at stake here—the issue of man's freedom and dignity. This is an issue to which the church has addressed itself since its founding. It is my conviction that we cannot leave Viet Nam until the real aggressors there have withdrawn to leave the people of that small Southeast Asian country to determine their own lives and future. Withdrawal from Viet Nam on the Communist terms will not bring peace. It will at best bring a temporary halt to war. The Communist war machine will roll on. And somewhere it must be stopped or freedom will flee from the face of this earth. Getting out of Viet Nam is without question the goal of this administration. But getting out of Viet Nam now—under the conditions to which we would have to bow—would be nothing short of an invitation to international suicide. It would be to condemn a nation, and ultimately a world, to the kind of enslavement that is fatal to human dignity and decency.

A third issue in the Viet Nam war is the responsibility of our nation to other nations of the world. I am not one of those who believes that the United States is to be the world policeman—or the big brother to every other nation in the world. But I do know that to us "much has been given," and of us "much is being required." Under the provisions of the Geneva Accords of 1954 and the SEATO treaty we are committed to stop Communist aggression and protect the independence of South Viet Nam. In August of 1961, President Kennedy said, "The United States is determined that the Republic of Viet Nam shall not be lost to the Communists for lack of any support which the United States government can render."

Arthur Schlesinger wrote in *The General and the President,* with reference to the limited war in Korea: "The objective is not to destroy Communism everywhere, a goal which would involve an unlimited ideological crusade, or even to destroy the Soviet Union, a goal which would not be briefly attained without an atomic holocaust, the objective is to punish aggression by lowering the boom on individual experiments, in aggression. . . ." These same concepts pertain to our action in Viet Nam. We are there in response to a plea for help. We have a responsibility. We "are our brother's keeper."

There is a sense in which our own survival is an issue in the Viet Nam war. To rely too heavily on this for motivation is undoubtedly to be selfish. Yet there is an element of selfishness in virtually every act we perform. Psychologists often argue that there is no such thing as a totally unselfish act. There is an element of selfishness involved every morning in Washington as hundreds of thousands of persons tear themselves out of bed to go to work—when a mother cooks a meal for her family—when peace marchers demonstrate in our Nation's Capital. The element of selfishness is involved in our position on Viet Nam. To yield to the intransigent enemy here is to invite him a little closer to our own shore. But the higher issue is the well-being of our neighbors across the seas—the simple families of South Viet Nam, most of whom ask nothing more than to be able to farm their rice paddies and live out the years of their life in the simple experiences of labor and love and play.

There is one final issue I believe to be at stake in the demonstrations taking place this week. That is the issue of submission to governing authorities. There is a viable principle involved, I believe, of government by duly-elected authority, or government by demagogues. The first is the road to responsible progress and world stability to the extent these are possible. The other is the road to chaos, ruin and weakness in the face of those who would destroy us. A noted Protestant minister had an article in a leading magazine recently in which he outlines the reasons why he must break the law—essentially the reason is that *he* feels the law is not good. It has always been my feeling that the New Testament says to the Christian—if the law is not good, try to get the law changed. The darkest period in Old Testament history was when "Every man did that which was right in his own eyes." Our democratic processes provide ample channels to accomplish this.

We are admonished in Romans 13: "Let every soul be subject unto the higher powers. For there is no power but of God; the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation. For rulers are not a terror to good work, but to the evil. Wilt thou then not be afraid of the power? Do that which is good and thou shalt have praise of the same. For he is the minister of God to thee for good. But if thou do that which is evil, be afraid: for he beareth not the sword in vain: for he is the minister of God, a revenger to execute wrath upon him that doeth evil. Wherefore ye must needs be subject, not only for wrath, but also for conscience sake."

These are the issues we face and these are the issues that must decide our reaction to the war in Viet Nam, or anywhere else!

1. The Bible recognizes, it seems to me, that though unhappily, war may be the only really viable solution to some problems in the kind of world man has built for himself.

2. The second issue is facing aggressive Communism and defeating it. Christianity does not depend on our capitalistic economy and democratic form of government for either its existence or its validity—but the fate of Christianity in Russia, Poland, Hungary, Red China is all too well known.

3. The third issue involved is man's right to be free. This issue has implications much broader than the Vet Nam war, to be sure—but our position with reference to this war would in the light of it seem clear and simple. People are struggling to stay out of the trap of Communist enslavement. They have cried to us for help. We must give them our help.

4. We must lend the weight of our influence to the principle of government by law under duly elected persons—not the chaos and anarchy of non-government by mob protest under self-appointed demagogues. We have seen a demonstration this week of totalitarian, non-democracy across our land. We can thank God the results have been so minimal.

With these issues before us it would seem that the position of the Christian would be clear.

FEDERAL TRADE COMMISSION COMPLAINTS REGARDING RACIAL DISCRIMINATION IN HOUSING

Mr. KENNEDY of Massachusetts. Mr. President, the two complaints issued today by the Federal Trade Commission against operators of white-only apartment houses in the District of Columbia metropolitan area mark the start of what could be an important new direction in the national effort to erase the last vestiges of slavery in the United States. One hundred years ago Congress stated clearly that persons of every race had the same right to "purchase, lease, sell, hold, and convey" real estate. Yet still today that guarantee remains unfulfilled, not only for Negro-Americans, but also for Mexican-Americans, Chinese-Americans, Jewish-Americans, Catholic-Americans, and other Americans of particular races, religions, or national origins. No matter what status or character they have acquired during their lives, the accident of their parentage precludes them from buying or renting the home or apartment of their choice.

Perhaps the most unfortunate aspect of this national disgrace is its effect on the individual American when he confronts it. Imagine the embarrassment and anger of the Negro newlyweds who in response to a full-page ad for a suburban development travels 20 miles into the countryside only to be told that there are no homes available for a person of his color. Consider the chagrin and ire of the wife who telephones in response to an apartment ad, receives a brochure by mail, visits the apartment by herself, and then brings her husband to see it, only to find that his race, religion, or national origin disqualifies them from renting.

Mr. President, today's action by the FTC will surely relieve the Nation of much of this very human dimension of the problem. For it will end the deceit and fraud inherent in real estate advertising which appears to be an invitation to all Americans but in fact applies only to some.

However, the effect of the FTC action will be much broader. In many cities in the Nation the overt offering of housing on a discriminatory basis would violate State and local laws, ordinances, and regulations. Thus in these areas each housing developer, apartment house own-

er, and real estate agent will be given a very simple choice: If he wishes to continue to use advertising media which are in interstate commerce, he will not be able to practice racial or religious discrimination; and if he wishes to discriminate, he will not be able to use such media for his advertising.

The Chairman of the FTC expressed some doubt as to the administrative advisability of the Commission's entering the housing discrimination field. It is my firm belief that now that the Commission has put itself on the record on this issue, the result will be widespread voluntary compliance throughout the Nation. The real estate industry has been waiting for someone to take the initiative, and now that the FTC has done so, the industry will, I am confident, follow in good faith. In fact I would hope that those against whom these first two complaints have been filed will lead the way by negotiating a voluntary settlement with the Commission.

The Commission's task is the promotion of truth and the protection of the public. Today's announcement is a tribute to the Commission's dedication to this task, and the Commission is to be commended for its vision and foresight in addressing this most serious national problem.

Of course, if we are really to achieve equal opportunity in housing, we must have a comprehensive, nationwide legislative prohibition against the insidious practices of discrimination and segregation which now abound. Such legislation is now before two committees of the Senate. I cannot say with assurance that it will be enacted by the 90th Congress, but I can say that I will do what I can to see that every Member of Congress is called upon to state, through his vote, whether he thinks the time has come for Congress to meet its responsibility in this area.

I ask unanimous consent that one of the complaints issued today be printed in the RECORD. I note that my previous statement on the subject and the text of my recent correspondence with the Commission urging action regarding advertising of racially discriminatory housing appear at pages 35035 to 35038 of the CONGRESSIONAL RECORD for Tuesday, December 5, 1967.

There being no objection, the complaint was ordered to be printed in the RECORD, as follows:

[Docket No. 8751]

COMPLAINT BEFORE U.S. FEDERAL TRADE COMMISSION

In the matter of E. G. Reinsch, Inc., a corporation, and Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers, and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments, and Dolores G. Reinsch, individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments, and Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment development known as Quebec Apartments, and Lurein Corp., a corporation

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that E. G. Reinsch, Inc., a corporation; Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Dolores G. Reinsch, individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment complex known as Quebec Apartments and Lurein Corporation, a corporation, hereinafter referred to as respondents, have violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

Paragraph one: E. G. Reinsch, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Virginia, with their principal office and place of business located at 129 South Irving Street, in the County of Arlington, State of Virginia.

Respondent Emerson G. Reinsch is now and for some time last past has been owner of apartment complexes known as Dorchester Apartments, 2040 Columbia Pike, Arlington, Virginia and Dorchester Towers, 2001 Columbia Pike, Arlington, Virginia and he and respondent Dolores G. Reinsch are now and for some time last past have been owners of apartment complexes known as Arlington Boulevard Apartments, 1500 North 16th Road, Arlington, Virginia and Oakland Apartments, 3710 Columbia Pike, Arlington, Virginia. Individual respondents Robert E. Latham and Henry S. Clay, Jr., are trustees for an apartment complex known as Quebec Apartments, 4010 Columbia Pike, Arlington, Virginia. Respondent Lurein Corporation, a corporation, is now and for some time last past has been owner of an apartment complex known as Westmont Garden Apartments, 3860 Columbia Pike, Arlington, Virginia. The business address of the aforesaid respondents is 2040 Columbia Pike, Arlington, Virginia.

Paragraph two: The individual respondents named herein as owners or trustees of the aforesaid apartment developments have ultimate responsibility for the management of the developments, including, but not limited to, the rental and advertising thereof. The management of the aforesaid property has been delegated by said owners to respondent E. G. Reinsch, Inc.

Respondent E. G. Reinsch, Inc. is now and for some time last past has been, engaged in the advertising, offering for rent, rental and general management of the aforesaid apartment complexes located in Arlington, Virginia.

Paragraph three: In the course and conduct of their business, respondents have caused rental advertisements for the aforesaid apartment complexes to be published in newspapers and other publications of interstate circulation including, but not limited to, The Washington Post and The Evening Star. Said respondents have performed various acts in commerce relating to the advertising of the aforesaid apartments, such as transmitting payments for published advertisements from their place of business in the State of Virginia to the District of Columbia, and maintain, and at all times mentioned herein have maintained, a substantial course of business in commerce, as "commerce" is defined in the Federal Trade Commission Act.

Paragraph four: In the course and conduct of their aforesaid business, and for the purpose of inducing persons to apply for rental of their apartments, respondents now cause and have caused to be published in newspapers of interstate circulation certain advertisements of which the following is typical and illustrative, but not all inclusive thereof:

"Arl., Dorchester Tower Apts.—600-unit high rise and garden. Effics., 1. 2. 3. bedrms., 4 high speed elev., doorman, indiv. control air cond. View of Wash. Balcony. Garage. Dorchester Towers. JA 4-3900 Dorchester Apts., JA 7-0306, 2040 Columbia Pike."

Paragraph five: By and through the use of the above-quoted statements and representations, and others of similar import and meaning but not expressed herein, respondents represent, and have represented, directly or by implication, that such apartments are available for rental to the general public without restrictions or limitations as to race, color or national origin.

Paragraph Six: In truth and in fact, such apartments are not available for rental to the general public without restrictions or limitations as to race, color or national origin. Among such restrictions or limitations are that these apartments are not available for rental to applicants who are Negro.

Therefore, the statements and representations as set forth in Paragraphs Four and Five hereof were and are false, misleading and deceptive.

Paragraph Seven: The use by respondents of the aforesaid false, misleading and deceptive statements, representations and practices has had, and now has, the capacity and tendency to mislead members of the general public into the erroneous and mistaken belief that said statements and representations were and are true.

Paragraph Eight: The aforesaid acts and practices of respondents, as herein alleged, were and are all to the prejudice and injury of the public and constituted and now constitute, unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 30th day of November A.D., 1967, issues its complaint against said respondents.

The following is the form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint:

"It is ordered that respondents E. G. Reinsch, Inc., a corporation, and Emerson G. Reinsch, individually and as owner of apartment developments known as Dorchester Apartments and Dorchester Towers and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Dolores G. Reinsch individually and as part owner of apartment developments known as Arlington Boulevard Apartments and Oakland Apartments; Robert E. Latham and Henry S. Clay, Jr., individually and as trustees for an apartment development known as Quebec Apartments, and Lurein Corporation, a corporation, as owner of an apartment development known as Westmont Garden Apartments, in connection with the advertising for rental of any apartment, which advertising is disseminated in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Placing any advertisement which tends to convey the false impression that the advertised housing is available for rental to the general public without restrictions or limitations because of race, color or national origin."

In witness whereof, the Federal Trade Commission has caused this, its complaint to be signed by its Secretary and its official seal to be hereto affixed at Washington, D.C. this 30th day of November, 1967.

By the Commission.

JOSEPH W. SHEA,
Secretary.

OMBUDSMAN FOR THE DISTRICT

Mr. LONG of Missouri. Mr. President, this morning's Washington Post contains an article entitled "Ombudsman Proposal Left Up to the Mayor," written by

William Raspberry. According to Mr. Raspberry, the ombudsman is "the citizen's protection against official error, arbitrariness, negligence, and abuse of power."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OMBUDSMAN PROPOSAL IS LEFT UP TO THE MAYOR

(By William Raspberry)

If Washington is to get an ombudsman any time soon, it will be the result of action at the District Buiding, not on Capitol Hill.

A bill to give the city such an official—a redresser of wrongs and cutter of red tape—has been introduced by Sen. Edward V. Long (D-Mo.). But the bill, now pending before the Senate District Committee, has not yet been referred to a subcommittee; nor have hearings been scheduled.

Thus it is a virtual certainty that no action will be taken on the measure in this session or perhaps even in the next. This is not very surprising in light of the fact that there is very little support for it on the Hill. Sens. Robert F. Kennedy (D-N.Y.) and Philip A. Hart (D-Mich.) are co-sponsors with Sen. Long of the ombudsman bill, but there has been no major push for it.

Part of the reason could be that many members of Congress want to wait to see how the new District Government works out before making any additional changes. In addition, there is the feeling in some quarters that the government ought not pay people to fight the government—one of the criticisms being made against the war on poverty and its Neighborhood Legal Service in particular.

An ombudsman certainly would often find himself in the position of fighting the government. As it works in Sweden (where the idea originated) and as it is envisioned in Long's bill, the ombudsman would have the power to investigate grievances against the local government—for example, charges that actions by government officials are either unlawful, unreasonable, unfair or oppressive; that they are based on a mistake of law or fact, based on improper or irrelevant grounds, unaccompanied by an adequate statement of reasons or performed in an inefficient manner.

While it is virtually certain that Congress will not soon pass the measure, there appears to be no good reason why Mayor Washington cannot achieve the same end administratively.

Reorganization of the District government gives the Mayor-Commissioner no new powers, but he already has the power to investigate citizen complaints. To create the post of ombudsman, Washington would apparently just have to rejuggle some existing authority—for example that of the Human Relations Commission and the Complaint Review Board.

There is one catch: While the Mayor could appoint an ombudsman, he would need congressional approval to pay him, unless it involved nothing more than an intragovernmental transfer. Some supporters of the ombudsman idea, however, are convinced that some foundations could be persuaded to pick up the tab, at least for a pilot period.

And just what would an ombudsman do? The list is endless. He can, on the basis of citizen complaints, inspect jails and hospitals; review office procedures; check evictions, garbage collection and parking problems, investigate even such things as official arrogance, secrecy of delay.

He is, in short, the citizen's protection against official error, arbitrariness, negligence and abuse of power. (The Swedish ombudsman once had a judge suspended for two months for insulting a lawyer.)

It is worth noting that in Sweden, as in other jurisdictions where the ombudsman approach has been adopted, fully nine-tenths of the citizen complaints have been dismissed as unfounded. But even where there is no basis for action against the accused official, an explanation from the ombudsman of what happened does wonders for the aggrieved citizen's faith in his government. Often an explanation is all the complainant wants.

Although there is plenty for an ombudsman to do in the District of Columbia, and although Mayor Washington apparently has the power to appoint one, there has been no clear indication that the Mayor is really interested.

His reaction so far has been no stronger than to call the ombudsman approach "a good idea." (Who could call it a bad one?)

Perhaps, like some members of Congress, he prefers to wait to see how things work out under reorganization. Still one can hope that he will keep the ombudsman idea in the back of his mind.

But not too far back.

AN ANALYSIS OF MILITARY SOCIAL WELFARE PROBLEMS

Mr. JAVITS. Mr. President, many people in this country are aware in a vague and general way of the diverse welfare problems facing a very large number of families of Armed Forces personnel. On December 4, Mr. Moe Hoffman, Washington representative of the National Jewish Welfare Board, delivered a cogent and informative speech on this subject at the Army Community Service Conference held at the Pentagon.

Mr. Hoffman is a very experienced expert in this field, and he has made a systematic analysis of the major problems and factors involved. I think that all of us in this Chamber can profit from his speech. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ANALYSIS OF MILITARY SOCIAL WELFARE PROBLEMS

It is becoming increasingly evident that the military establishment is a human institution which can be reviewed in social terms.

Several social scientists, who have presented theories of civil-military relations, have alleged that military technology has largely run its course and that present developments lie in the social institutional sphere of military function. Morris Janowitz, in the introduction to the paperback edition of the New Military, stated that: "The pressure for modification of military strategy and tactics to meet the requirements of a changing world order are more likely to be met by institutional and professional innovations than by technological development."

Samuel P. Huntington, the author of "The Soldier and the State," wrote:

"The military institutions of any society are shaped by two forces: a functional imperative stemming from the threats to the society's security and a societal imperative dominant within the society. Military institutions which reflect only social values may be incapable of performing effectively their military function. On the other hand, it may be impossible to contain within society military institutions shaped purely by functional imperatives."

An article on the military in the 1960 edition of the Encyclopaedia Britannica emphasized that "since World War I, to traverse the long road of modern battle, the soldier required a spirit proved in the crucible of discipline."

The article continued with the following sentence: "But let there be no mistake; the soldier maintains this sentiment of discipline only in proportion as military commanders win this confidence by the care with which they surround his personal life."

While the quote ended there, I would like to add, "and that of his family as well," for that phrase poignantly underscores the presumption of my presentation.

When I was originally invited to speak to this group I was requested to be deliberately and sincerely candid. In the experiment to meet this charge, I adopted three guidelines: one, that I would be critical namely, that I would not be awed by the front-rank status of the military officers whom I would be addressing; two, that I would be subjective—calling the shots as I saw them, and believed them to exist; three, that I would be historical—in that I would use the past and the present to improve the future quality of services for the dependents of officers and enlisted personnel.

I have long identified military service as one of the salient areas within which individuals may be given an opportunity to contribute to society to the utmost of their capacities. Nevertheless, the 24 years that I have been affiliated with the armed services program of my organization, the National Jewish Welfare Board, has led me to recognize that a large military force creates problems for individuals in military service and their families, and that many of them need some assistance in meeting their personal and social problems. I support the belief that civilian communities should make provisions to see that normal community services are available to military dependents. That communities have not fully responded to this charge is one of the allegations I advance. The second allegation is that the military, itself, is inadequately assisting military personnel with their social welfare problems.

Historically, until World War II, the military community in the United States has been sharply segregated from civilian life. This isolation was motivated by the desire of the military profession to maintain its distinctiveness. During the early period of our country's history, the military was stationed in posts remote from existing civilian communities. This system of garrisoning troops not only represented traditional conformity but was motivated equally by basic economic considerations.

In the past 25 years technological and political changes have radically altered America's confused attitude toward military personnel. While the military establishment still exerts strong pressures toward institutional self-containment, it has recognized that it has a functional relationship to the civilian community. This is not to imply that this change is without its problems. In the main, the contacts between the two communities are ceremonial and social rather than professional and political. While the social isolation of the military has greatly diminished, the contacts with the civilian communities are still transistory and impermanent. This situation has produced individual and personal strains which necessitate understanding and resolution by military, by the civilian community and its social welfare agencies, and by national, state and local governments. The resources of each of these entities must be directed toward the maintenance of confirmed morale in the men and women who serve their country in our armed forces. Of equal importance is the provision of sound welfare family services for military dependents. The latter point has been underscored by Defense Secretary Robert S. McNamara, who said the following in his testimony before the House Committee on Armed Services, May 17, 1963:

"The necessary rigors inherent in the mili-

tary life are hard enough on a family man without adding the burden of persistent personal hardships for his family."

Prior to World War II, the military, in this writer's opinion, was a closed system. As such, although properly structured, it seldom related to other groupings in the communities in which its installations were located. Each military commander strove to provide on-base recreational and other related services. The pressures which accompanied our country's entry into the Second World War compelled the military to seek community resources to supplement its welfare and recreational services to personnel and their families. With the system now open, we find the representatives of the military serving on many social welfare committees and in professional organizations, for example, Health and Welfare Councils, Community Hospitality Committees, United Givers Funds, etc. Local welfare agencies are increasingly requested to supplement military family services. A whole gamut of interrelated activities which necessitates community organization planning is taking place in many communities adjacent to military installations or used as leave areas.

Unfortunately, in many places health and welfare services for military families are not basically coherent or efficiently organized. The reasons are manifold.

(1) Many military families are usually mobile and do not meet residence requirements. Then again, while every state provides certain health and welfare services for residents, some extend these benefits to persons residing temporarily within their boundaries, but others restrict services to bona fide permanent residents.

(2) Local communities lack adequate resources to handle the heavy caseloads of their civilian residents.

(3) Many communities are not knowledgeable of the family services available to military personnel in military installations and fallaciously assume that "the military takes care of its own."

(4) Military personnel are not acquainted with community services, and many who are knowledgeable of them believe that servicemen are ineligible to receive these services.

(5) Many officers assigned the responsibility to administer or act as referral for these services are untrained for their jobs. To compound their ineffectiveness, they are usually assigned additional unrelated duties.

All of the foregoing reflects a need for family welfare services for military members and dependents. This view is not supported by the Department of Defense. A copy of a letter in my files signed by a Deputy Assistant Secretary of Defense in reply to an allegation regarding the inadequacy of social welfare programs for military personnel states, ". . . the Department of Defense believes that, in general, personnel living on or in the vicinity of military installations have available services which are considered greater than those provided by the majority of civilian communities."

In rebuttal, I quote from four sources. One, an article in the New York Times of June 11, 1964, states:

"The Air Force has about 5,000 enlisted men who must resort to public relief to help support their families, a survey showed today. . . .

"The survey also indicated that 70,000 airmen and 1,000 Air Force officers, mainly heads of families, were moonlighting—holding jobs to supplement their service incomes.

"The situation in the Army and the Navy was believed to be similar, though no figures are available."

The second is taken from the remarks of Congressman Gonzalez of Texas which appeared in the Congressional Record on January 11, 1965. The Congressman had introduced a bill, H.R. 1026, to increase the subsistence allowance of members of the uniformed services to $75 per month. He states:

"Its purpose is to improve the standard of living of the military man. Specifically, it would permit tens of thousands of men in the armed forces to purchase enough food each month so that they might have a nutritious diet."

Later, in his extended remarks, Congressman Gonzalez referred to an article which appeared in the Saturday Evening Post, written by a major who was compelled to resign his commission after 13 years as an officer. Again quoting Congressman Gonzalez.

"It is a tale of substandard housing, at outrageous costs to the military man, of low wages, and of the general frustrating conditions that prevail in the Armed Forces today."

He continued: "Why do we treat the military man as a second-class citizen? . . . It is strange indeed that a free and open society as ours would create a second-class citizenry and leave our national defenses to it. Such a course of action, in my opinion, is suicidal."

The third is taken from the October 3, 1967 Congressional Record and refers to a discussion between two Congressmen regarding the conference report on the Military Construction Authorization Bill for fiscal year 1968. The House authorized construction of 12,500 military houses, and the Senate cut it back to 10,409, which the House subsequently accepted. In discussing the conference report, Congressman Vanik remarked:

"Why shouldn't we defer this particular item until next year? I recognize that housing is needed, but if it can be deferred a year, it might carry us over through a critical period."

In response, Congressman Rivers, Chairman of the House Armed Services Committee said: ". . . every time we want to save some money, some would take it out of the hide of the military. The military can continue to live in trailers. They can continue to live in converted garages and they can continue to have to be subjected to unfriendly people in some community. . . ."

The fourth source is the July 12, 1967 Army Times, which reported that defense officials asked the Office of Economic Opportunity, the war on poverty headquarters, to relax its role so that low-ranking military families could get help. The Department of Defense specifically wanted enlisted men's families to benefit from Project Head Start which is a program to get pre-schoolers from *poor* families ready for kindergarten. Mrs. Betty Fogg, of Head Start headquarters in Washington, said that "a significant number" of military families are already taking part in the poverty program, and that in the San Diego area alone there were more than 500 military youngsters in Head Start. This was the second indication by OEO officials that military people had to call on "war on poverty" programs to keep financially afloat.

I am fully aware that the Army is most cognizant of some aspects of the personal needs of its servicemen. I am also familiar with the general purposes of several of the military benefit programs. I think it commendable that General Harold K. Johnson, the Army Chief of Staff, has recognized the need to maintain the Army as a humane organization whose leaders will be truly concerned about the welfare of their men and families. The Army Community Service program, established to provide information, assistance and guidance to members of the army community in meeting personal and family problems is a step forward in the effort to improve social functioning in the army community. But progress is much too slow.

As of March, 1967, there were 1,415,388 officers and enlisted men in the army. A sample survey of selected personnel characteristics, as of March 1967, indicated that of 113,675 officers, 71.9% (or 89,452) were married, and of 1,288,611 enlisted men, 36.1% (or 465,190) were married. The average family unit was indicated to be 3.42. There were, as of March, 1967, 1,342,230 dependents of married army personnel and approximately 52,000 collateral dependents of army male personnel without wife or children who must also be considered part of the military. The total number of dependents totalled 1,394,320. Thus, we can no longer accept the army complement as 1,415,338. The true figure, including dependents is 2,809,708. In the army (and this figure will become more significant when housing is discussed) 24.2% of the enlisted men E-1 through E-4 with less than 4 years of active military service total were married—a total of 66,190 families. These figures are of some concern. Let's look at some of them.

On May 17, 1963, Secretary of Defense Robert McNamara testified before the House Committee on Armed Services on the fiscal year 1964 Military Family Housing Program. He stated that "for the military man, as for any family man, decent housing for his wife and children is a major concern. While a military man, in keeping with his profession, must be willing to accept personal hardship, I do not think the Nation has the right to expect the same from his family." The Secretary continued:

"By the last count there are more than 32,000 eligible military families occupying government-owned substandard housing on post, and more than 106,000 families living in off-post substandard housing."

Today, approximately 665,000 military families, according to John Reed, Defense Department housing expert, live in non-government housing and 331,000 in government housing. The government has no control over the quality of non-government quarters. Testifying before the House Armed Services Committee on Military Construction Authorization for Year 1967, Mr. Reed was asked (page 9257) by the Chairman, Mr. Rivers, "How many substandard units of housing now are in the military? I want to get this for the record." Mr. Reed answered, "As of May 18, 1966, sir, there were 27,143 such units." It is my personal belief that the "27,143 units" refer only to government housing of which 32,000 existed in 1963. Hardly any gain has been made in eliminating substandard government housing. In regard to non-government housing occupied by military personnel, Mr. Reed personally informed me that they are relatively standard and that a survey revealed little, if any, substandard conditions.

I tried to determine the standards used by the Department of Defense to evaluate adequate housing. On page 9245 of the hearings in regard to military construction authorization for fiscal year 1967, I read the following:

"Mr. REED. . . . and our problem, sir, stems from several things in certain of these areas, . . . that some of the people would prefer to live in what we would all categorize as substandard housing for less money. Now, these people we are attempting to motivate into better housing, but we are estopped from ordering them into the housing, but as each of the base commanders who do have the problem are working with their people, we are doing the best we can.

"Congressman HARDY. The same people would stay right where they are even if you built public quarters, unless you assigned them to them.

"Mr. REED. But if the man indicates he is content with his quarters, be it a chicken coop or not, we will count him as adequately housed in the communal survey.

"Congressman HARDY. I'm delighted to know."

Until I read this dialogue I had always assumed that the standards for determining the quality of housing were related to three types of characteristics—(1) the structure

in which the unit is located; (2) the facilities of the unit; and, (3) the environment (the neighborhood in general as well as the immediate surrounding vicinity). Apparently, the subjective desires of the inhabitant can now be substituted for these three widely accepted objective criteria.

Enlisted men E–1 through E–4 with less than 4 years of service are not eligible for government housing. According to the March 15, 1967 issue of Army Times, page 3, there were 310,122 of these families drawing Dependent's Assistance Act housing allowances. The new military pay bill will raise this housing allowance nearly 9% but the raise will be only an interim measure. Currently, for example, an E–3 with 3 dependents and less than 2 years of service makes $3,196 a year when his basic pay, quarters and subsistence are considered. The OEO "poverty base" for a family of 4 in a non-farm area was defined at $3,200 as of August 11, 1967.

He is typical of the families that are refused government housing. He is compelled to compete in the open market for housing with his more affluent colleagues. The Department of Defense alleges that its government housing program has been designed to retain and improve the retention ratio. It seems to me that for enlisted personnel a retention program process should be put into effect during the initial period of basic training and not when the serviceman had completed four years of service. The August 19, 1967 edition of the Journal of the Armed Forces reports that a special review of Defense officials of the morale, welfare and personnel service activities available to military personnel at our major bases reveals that while married officer personnel experience the least (not the word *"least"* not "little" or "no") difficulty in obtaining satisfactory housing for their families, exactly the opposite is true of married enlisted personnel. The majority of these personnel seek rental accommodations. Between 40% and 50% of the enlisted men surveyed said they were not satisfied in their present housing and that this adversely affects their home life, their job performance and their attitude toward re-enlistment. I could add to the list of housing problems but I had best go on to a second problem.

In 1965, a doctoral student, Fidelia Avella Masi, submitted a dissertation to the faculty of the National Catholic School of Social Service of the Catholic University of America titled, "Social Welfare Needs and Services in the Military." This research project identified 70 social welfare needs and services which appeared to have applicability to a military population.

Dr. Masi's list of services included among other needs, family planning, day care provision for children of working mothers, counselling (vocational, parent-child, etc.), homemaker services, foster home finding, services for unmarried mothers and fathers, protective services for children who may be neglected, etc. All the services were rated as "needed". Many persons who judged Dr. Masi's study indicated that while several of the services were needed, they were not being provided at all for the military. For example, treatment for childrn and teen-agers with social problems such as delinquency, dropouts, received the highest number of "needed" answers (95 out of 96), yet this service also received an indeterminate rating. The study clearly indicated that several services were being provided and staffed by untrained people when these services required professional personnel.

A question arises, "Are not the Red Cross and USO making available the needed services delineated in the Masi study?" Dr. Masi's study indicated that none of the 70 services were adequately provided by civilian agencies or quasi-official agencies. As one of her conclusions, Dr. Masi wrote:

"The need for these services is clear, and since neither civilian nor quasi-official agencies are providing them, and, based upon the military philosophy of 'caring for its own,' the particular implication for civilian agencies as well as for the Red Cross and USO is clear."

On November 14, I met with a USO committee comprised of the directors of the armed services committees of the six member agencies of USO. I shared with them the contents of this presentation and underscored Dr. Masi's reference to USO. While this USO committee was of the opinion that one study did not establish an indisputable fact, there was a consensus that the military and national USO should meet to discuss the whole spectrum of welfare needs for servicemen and their families. It is my best recollection that USO would respond to any initiative that the military would originate.

In sharing this phase of my presentation with a select group in the Pentagon, I was told that the individual and family problems of military personnel are the result of personality or family group disorders and that these causations should not be ascribed to the military. Pitirin A. Sorokin has provided us with the answer to this allegation. He stated: ". . . that so long as it exists and functions, any system incessantly generates consequences which are not the results of the external factors to the system, but the consequences of the existence of the system and of its activities. As such, they must be imputed to it, regardless of whether they are good or bad, desirable or not, intended or not, by the system."

In a letter to the Department of Defense sometime ago, I suggested, with the support of the Department of Health, Education, and Welfare, that the Department of Defense set up a social work division at the DOD level. The response that I received indicated that the social welfare needs of military personnel and their families were being adequately provided by the chaplaincy.

Traditionally, the military has held that the chaplain was the one to turn to with troubles. The Masi report states (page 197), "obviously the chaplain does not see himself in this role and rightly so. For those who contend that the chaplain is the one to take care of the problems of the military man and his family this finding would offer much disagreement."

In her study, which primarily was concerned with the Air Force, Dr. Masi included Army chaplains. She reported:

"The Army considers the chaplain's primary responsibility to be for the troops first, and any energies remaining could then be directed toward dependent personnel. Very frequently, the chaplain's primary responsibility consumes all his efforts and energy. Here is a real gap that I feel could be filled with a social worker. . . ."

What about medical services for military personnel? The Dependents Medical Care Act of 1956 opened the door to the new law which authorized an expanded program of civilian in-patient and out-patient care. The bill, the Uniformed Services Health Benefits Program, signed by the President on Sept. 30, 1966 has to be refined. The new medical program, since January 1, 1967, provided for institutional residential care in private nonprofit, public and state institutions and facilities for the seriously physically handicapped and moderately or severely mentally retarded wives and children of members of the uniformed services. Unfortunately, only 10% of these wives and children can be accommodated in public or private nonprofit institutions. Space is not available for 90% of the cases. There is need to support the proposal that dependents eligible for facility care be permitted accommodations in accredited private profit institutions. The law equally provides that servicemen pay an initial share of the monthly cost of this program. E–1s through E–5s must pay $25 a month. E–1s and E–5s, so I believe, should not be required to pay this amount. The salaries are barely adequate to pay the expenses of normal family living. In my personal opinion, individuals in every pay grade should be entitled to this service for their dependents without having to share in the cost.

Under the same bill, sponsors of dependents who use civilian outpatient care sources are required to pay a $50 deductible plus 20% of the expenses in excess of the deductible for each dependent who uses such sources. I believe that this requirement is valid where CONUS operations are concerned. However, in many overseas areas, military personnel and dependents in isolated areas are financially penalized because of circumstances beyond their control. For these individuals, the deductible and percentage payments should be waived. I wish to conclude this problem section of my presentation by mentioning the need to provide dental care for military dependents. Congress should be encouraged to pass a bill calling for care by civilian dentists.

What can be done to resolve many of the military social welfare problems?

I believe the Department of Defense should apprise Congress of the full dimensions of the social problems confronting military personnel. Congress, currently, looks only at the visible tip of the iceberg and is ignorant of the huge submerged mass. The tendence of Defense witnesses at Congressional hearings has been to project problems only in the dimensions of the amount of money being requested for a particular fiscal year. While the House has been more cooperative, the Senate is much less knowledgeable and has little sympathetic understanding of military social needs. Why does this situation exist? Congress does not get the facts it needs from the Department of Defense. In this connection, there was an interesting article in the Congressional Record of November 21, 1967, quoting Congressman Porter Hardy, who is chairman of a special subcommittee created by Representative Mendel Rivers to investigate the decision-making process under Secretary McNamara. Congressman Hardy said:

"The Congress is powerless to carry out its mandate and discharge its constitutional duties unless accurate, candid and timely information is provided by officials and officers of the defense establishment."

DOD has increasingly concentrated on the use of cost-benefit modes of analysis and has been less interested in the military as a human institution. To quote Morris Janowitz, "The military organization will have to continue to focus in the transformation of its bureaucratic authority from a rigid system of domination to a more flexible and humanistic type of authority . . ."

It was inevitable that the Department of the Army establish a Community Service Program that would provide information, assistance and guidance to members of its indigenous community. It was equally inevitable, since this program if successfully operated would also result in increased career satisfaction, that it be conducted and supervised by a military staff with social work training.

I would advise that the Army Community Service Program be administratively removed from the Office of the Surgeon General and set up as a distinct responsibility unit. In the Army, social workers were traditionally members of the psychiatric treatment team. In providing welfare services, I believe personnel should be treated as clients and not as patients.

If Mr. Janowitz' presumption is to become a reality, the Army will increasingly require the skill of the social worker. The Army should respond to the behavior signals of its personnel with the same degree of alacrity with which it is now responding

to technological changes. By giving social work a separately functioning identity, interpretations of needs could be more directly related to Department policy makers without having to be channeled through another professional discipline whose prognoses and treatment skills are only relatively congruous. Then, again, by establishing this separate entity, the military's observation vis-a-vis social welfare needs will become sharper. For example, operational organizations such as the military choose not to observe more than they can process with given resources, and they selectively screen observations to fit organizational goals, strategy and tactics.

As to post commanders—they occupy the key position for the initiation of policy. The Armed Forces Journal of August 19, 1967 reports that the DOD has said that military commanders and their subordinates are not doing a good job of keeping on top of the family housing situation within their commands. If this is true, the failure is deplorable. You may ask why, if this is true, hasn't the Department rectified the situation. I do not know the answer. But I believe that post commanders can do a more effective job in ascertaining facts regarding the humane problems of their personnel and dependents if they will impress their subordinates that there is "no need to protect the old man." Only when these commanders are fully apprised of all salient problems can they adequately resolve the problems or recommend needed policy changes.

There are several subordinates who, on paper, have the responsibility to assist servicemen with their personal and family problems. Commanders should evaluate performance against job description. They should critically examine post programs designed to meet human needs and by the use of social indicators determine if these programs are competently conducted. It is also important that commanders check the efficiency of their intra-post communication system. Examples can frequently be cited of enlisted men and officers who have needlessly spent endless hours seeking assistance for family problems when existing programs could have been utilized. As of August 31, 1966, 43.9% of all male commissioned officers and warrant officers and only 19.7% of all enlisted men were aware of the existence of the Army Community Service Program. It is apparent that unit orientations and publications and post newspapers are not adequately alerting personnel as to existing programs.

As to the Army Community Service Program—despite its rapid growth and the excellent quality of its staff, it will not attain even moderate success if it persists in limiting itself to on-post resources. The Army Community Service Program will serve best if it acts as the coordinating link between post and community welfare resources. The Army Community Service social worker should interpret military needs to the adjacent community. He should encourage the establishment of a military-community service.

It seems to me that the Department of the Army tends to feel less sanguine about the Army Community Service Program than it ought to. May I say that if this program is not strengthened, if it is encouraged to die on the vine for lack of understanding and support, then all the Army's emphasis on recruitment, training, education and control will be weakened. In WAR AND PEACE, Leo Tolstoy wrote, "In warfare the force of armies is the product of the mass multiplied by something else, an unknown X." Tolstoy identified the "X" as "the spirit of the Army." Dr. Samuel A. Stauffer, who directed the World War II study on attitudes of military men, extended the definition and said that Tolstoy's "X" or "spirit" could be achieved only with the resolution of the serviceman's social and psychological problems. The Army Community Service Program can effectively do the social welfare job.

I was asked to make a blunt presentation. I agreed to do so for two reasons. The first is that I believed that the morale and the social well-being of military families will vastly contribute to our national security The second was my belief that by shaping a qualitative program the Army will give greater credence to Major General James G. Harbord's statement—"The greatest of all democracies is an Army."

OPPENHEIMER FUND MODELS ADVISORY FEES ON BANKING AND CURRENCY COMMITTEE MUTUAL FUND PROPOSALS

Mr. McINTYRE. Mr. President, sometimes in the heat of debate over important legislative proposals, when tempers are frayed and emotions running high, there is a tendency to think ill of the opposition. Still, every now and then, we must stop and realize that an industry which is opposing vitally needed legislation designed to protect members of the public is not entirely composed of obstructive members.

These comments arise from reading a story in the Wall Street Journal this week entitled "Oppenheimer Fund, Inc., Plans Advisory Fees Partially on Results." The article explains how the Oppenheimer Fund, which is a mutual fund, has proposed a unique method of computing its advisory fees based upon a performance of the fund compared with the performance of the Standard and Poor's Stock Price Index.

I feel that this is a particularly noteworthy event because I believe the first time that such a management-fee proposal appeared in print was this year in the form of a committee print of S. 1659, the SEC legislative proposals, printed by the Senate Committee on Banking and Currency. These proposals have not yet been enacted.

The Oppenheimer Fund has gone ahead on its own to cooperate with the SEC even before the proposals have been enacted. The Oppenheimer Fund should be commended for its willingness to discard the prejudices of its industry in favor of those management incentives desirable for the benefit of its own shareholders.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 5, 1967]

OPPENHEIMER FUND INC., PLANS ADVISORY FEES PARTIALLY ON RESULTS—MANAGEMENT FIRM WOULD GET BONUS IF FUND OUTPERFORMS MARKET, OR PENALTY IF NOT

NEW YORK.—Oppenheimer Fund Inc. proposed to its stockholders a new investment advisory fee schedule that would penalize its management company if the fund's results didn't outperform the general market and reward it if results did.

The "performance" provision of the new management fee to Oppenheimer Management Corp. plans to have the fee partially based on the investment results of the fund at the end of year compared over the same period with Standard & Poor's Stock Price Index of 500 stocks. Under this schedule the management company will be entitled to a "bonus" at the rate of 0.05% of average net assets for each percentage point by which the Oppenheimer Fund's performance exceeds that of the index, up to a maximum of 0.30% of net assets.

If the fund's performance is below the S&P 500 index, the management company will be penalized by having to refund to the fund at the rate of 0.05% of average net assets for each percentage point below the index, up to a maximum of 0.30% of net assets.

The Oppenheimer Fund will have a basic fee schedule computed daily on the fund's net asset value starting at 0.50% for the first $150 million and declining thereafter to 0.36% for the excess over $1.05 billion. The fund has currently about $140 million of assets.

The "bonus" provision based on performance will be applied in addition to the basic fee based on net asset value. Here's how the new schedule would apply to 1966 results: The Fund had a 0.6% increase in net asset value per share. The percentage change in the Standard & Poor's index was a decline of 13.1%. Thus the management company would get a $211,422 bonus in addition to its basic $352,371 fee based on 0.5% of net assets. During the first nine months of 1967 the net asset value of a share of the fund increased 29.7% while the index increased 19.6% in the nine months.

The Oppenheimer Fund currently has a performance-type fee schedule, but the currently used fee schedule hasn't a provision for penalizing results that don't measure up to general market performance. Under the present management agreement, last year Oppenheimer paid $703,340, substantially above the $563,793 total due under the new fee.

A number of smaller funds have management fee schedules containing penalties for below-average performance. But Oppenheimer is believed to be the largest fund thus far to propose a plan of this type. Industry sources said that a number of other larger mutual funds are studying a bonus-type proposal. The Securities and Exchange Commission in the special report that it made to Congress in December 1966 criticized an advisory fee formula that was directly tied to capital gains or appreciation.

The new fee schedule will be presented to stockholders at a special meeting Dec. 28. Stockholders will also be asked to approve a 3-for-1 stock split and to increase the fund's stock authorization to 50 million from 25 million currently. There are currently about 5 million shares of Oppenheimer Fund outstanding.

POSITIVE ACTION ON VIETNAM

Mr. DODD. Mr. President, while the headlines of our major newspapers feature story after story about anti-Vietnam protest demonstrations and anti-draft demonstrations, the many evidences that the great majority of the American people understand and support our Vietnam policy regrettably do not receive the attention they deserve.

Because of this, I wish to invite the attention of Senators to a recent article published in the Stamford Advocate, reporting on a Christmas drive at the University of Maryland in support of the Ton Sun Nhut Orphanage in South Vietnam. I ask unanimous consent that this item be printed in the RECORD. In doing so, I am proud to point out that one of the students responsible for the success of this drive is a Connecticut resident by the name of Jimmy Goldstein, the son of Mr. and Mrs. Daniel M. Goldstein, of 15 Lanark Road, Stamford.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Stamford Advocate, Nov. 29, 1967]

ON THE SQUARE WITH LEN MASSELL

Jimmy Goldstein, son of Mr. and Mrs. Daniel M. Goldstein of 15 Lanark Rd., a student at the University of Maryland has been doing some interesting things recently.

Home for the Thanksgiving holiday, Jimmy, a member of Sigma Pi Fraternity, Alpha Chi Chapter, told how his fraternity just completed a Christmas drive for an orphanage at Ton Sun Nhut, in South Vietnam.

The chapter started the drive at the instigation of one of the alumni brothers, who had just returned from South Vietnam, and had visited the orphanage. He was so impressed by the youngsters there, that on his return he asked his fraternity brothers if they would do something for these kids—unfortunate victims of the war.

The boys at Sigma Pi responded. They had signs printed for store windows in College Park, and started to contact all of the other fraternities and sororities, as well as the men's and women's dorms.

They ended up collecting 1,500 toys, countless bars of soap, non-perishable candy, and children's clothing. They spent one Saturday picking up these items, sorting and packing them. The following Sunday, they rushed the packages to an air base for speedy transportation to South Vietnam, and the orphanage.

They did this at a time when they could have been at a football game, or off doing whatever college kids do on a weekend off. Particularly interesting at this time is that this is a group that is not "protesting" anything, or having a time at "pot" parties.

WORLD EFFORTS IN HEALTH

Mr. NELSON. Mr. President, on November 6, 1967, Mrs. Frances Humphrey Howard delivered a speech at the University Hospital, Edmonton, Alberta, Canada, entitled "Our World Efforts in the Fields of Health, Nutrition, and Population."

Mrs. Howard, who is chief of the special projects and organization liaison branch, office of the war on hunger for the Agency for International Development, made a very thoughtful presentation which is worthy of being read by my colleagues.

I ask unanimous consent that it be inserted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, Mrs. Howard is a remarkable person. She is a career civil servant in the Agency for International Development of the Department of State. She is chief of liaison to nongovernmental organizations and special project branch in the office of the war on hunger. She provides continuing liaison with the U.S. nongovernmental organizations and through them works with the many international organizations that are accredited to the United Nations and the specialized agencies.

For the past 5 years she has served as liaison with U.S. voluntary agencies in foreign services such as CARE, Catholic Relief Service, the American Joint-Jewish Distribution Committee, Lutheran World Service, and so forth. She has been a U.S. representative for the Agency for International Development as well as a participant at international conferences, including the Pacific Conference on Urban Growth, at Hawaii, 1967; the United Nation's Food and Agriculture Organization seminar on "Young World Food and Development," at Des Moines, 1967; the Fifth Pan-American Conference of Social Welfare, at Lima, Peru, 1965; the International Conference of Social Work, in Athens, Greece, 1964; and the Asian seminar on "The Role of Asian Women in Economic and Social Development," at Manila, Philippine Islands, 1963. Because of Mrs. Howard's special interest in the Inter-American Commission of Women and the Voluntary Agencies in Latin America, she has been appointed to the International Advisory Council of the Sixth Pan American Conference and Congress of Social Welfare, to be held in Venezuela, March 1968.

During World War II, Mrs. Howard served under Eleanor Roosevelt in the Office of Civilian Defense. She has also served as consultant to the National Conference of the U.S. National Commission of UNESCO in 1955, and to the White House Conference on Foreign Aspects of U.S. National Security in 1958. In 1957, she organized the first United Nations Association's people-to-people tour to Europe. In 1958, as director of the AAUN in Maryland, she traveled to the Soviet Union, Jordan, Egypt, and East and West Germany.

A native of South Dakota, she holds a master's degree in sociology from George Washington University in Washington, D.C., and has done advanced work in international relations at Johns Hopkins University. She now serves on a part-time basis on the faculty of Maryland University's graduate school of social work, teaching seminars in international community development. In 1962–63, as a member of the graduate faculty, she taught at the University of North Carolina School of Social Work. In March 1966, Lane College, Jackson, Tenn., bestowed upon Mrs. Howard the honorary degree of doctor of humanities.

In 1960, she received the Business and Professional Women's National Business Week Award for her outstanding professional achievements and community service.

Mrs. Howard lives in North Arlington, Va., a suburb of Washington, D.C. She is the mother of two, William, 21, a senior at the University of Minnesota, and Anne, 18, now attending Boston University.

EXHIBIT 1

OUR WORLD EFFORTS IN THE FIELDS OF HEALTH, NUTRITION, AND POPULATION

(Lecture by Mrs. Frances Humphrey Howard, chief, special projects and organization liaison branch, office of the war on hunger, Agency for International Development)

It is a very special pleasure for me to be here today with such distinguished specialists in the field of medicine and health.

I have long had a great interest in international development and particularly in international health affairs and I am honored by this opportunity to speak to you.

Let me say at the outset that I am not fortunate enough to belong to the honored Hippocratic fraternity. But I was married to a physician—I am a widow now—and this circumstance has brought me very close to the medical profession. Moreover, as a social scientist, I feel a certain kinship to physicians and other health professionals.

Julian Huxley once said that, in his opinion, "the most vital task of the present age is to formulate a social basis for civilization, to dethrone economic ideals and replace them by human ones. . . To the biologist who is not afraid of being a humanist, the essence of human life is seen in social relationships".

I fully agree with Huxley. And so I venture to say that health is not an end in itself, that we do not live merely to be healthy. But good health will contribute to the good life and help the healthy human being create the good society.

My medical friends have often said to me that they profit much from sharing their experiences with social scientists. They asserted that such a close extra-curricular association contributes to better teaching, better research, better health protection for all.

Similarly, some doctors I know claim that their greatest teachers have been patients—such human beings have taught them more than the most elaborate colored plates in the most expensive textbooks.

What has brought us here together today is our common interest in one of the most important tasks which face us, namely international cooperation in health.

It is a task that is affected by such world problems as poverty and rising population rates, to be sure. These and other problems are inter-related. But the mood and spirit of our times spurs us on to meeting these problems head-on.

Much can be done now, and must be done now, with the tools we have—research knowledge, technical expertise, perfected and tested supplies and materials, trained manpower, and public administration experience.

Science is now placing its miracles at the disposal of medical and nutritional disciplines. A century ago, all but 20 of the elements found in nature were laboratory curiosities. Now all 92 are at work, and new ones are being synthesized in atomic reactors.

This is the kind of progress that science fiction writers have trouble keeping up with. And it is the kind of progress that has become inevitable and almost automatic in the United States, Canada and some advanced European countries. It has an energy, a momentum, a direction, a multiplier of its own.

Above all, we will need international cooperation. Without cooperation between nations we shall never achieve our highest ideals and goals—a free world, free from strife, free from hunger, poverty, and misery and free from disease.

The Vice President of the United States recently stated that, in his opinion, "health is one of the threads that weave the fabric of peace. There is no peace in a society racked by disease". A nation plagued by hunger and disease can be permanently robbed of its productivity and creativity.

You, the doctors, have long known this and have helped make it clear to us in government, in Canada, in the United States, and elsewhere in the world.

That is why we, in the United States, have made the campaign against pestilence, disease, malnutrition, and illiteracy one of the cornerstones of our foreign aid program.

In the last year's Foreign Aid Message to the Congress, President Johnson stated that "the incessant cycle of hunger, ignorance and disease is the common blight of the developing world. This vicious pattern can be broken. It must be broken if democracy is to survive".

Today, sixty percent of the people, including 70 percent of the pre-school chil-

dren in the developing countries, are malnourished. Each year malnutrition is the major factor in the death of almost half of the children in the less-developed nations before they reach the age of six.

Of those who survive infancy, malnutrition produces mental and physical retardation in 10 to 25 percent. Infant mortality rate is five times that of the developed countries. Life expectancy is only 47 years of age, compared with 70 years of age in the developed countries. There is one doctor for every 4,300 people, compared with one doctor for every 800 in the developed nations.

Killing and crippling diseases are still widespread in many developing countries, where malaria, smallpox, cholera, rabies and other diseases are still to be brought under control.

The Agency for International Development of the Department of State increased its health programs by two-thirds in fiscal year 1967, totalling $178 million, to control and eradicate serious disease, overcome malnutrition, and assist with bringing population growth into better balance.

The President indicated four broad areas for emphasis in the health field in our international cooperative program.

He placed first the emphasis on development of health manpower resources.

Second, he placed increased emphasis in the field of nutrition with a focus on the preschool child.

A third area of emphasis relates to population growth rates.

The fourth broad area deals with increased emphasis on disease control.

In all these areas we are now working in concert with the countries involved and with other participating countries and international, official and private voluntary organizations.

We are fully cognizant that our contribution is and will be only supplemental to the efforts of each developing country itself. The real achievements will come not from this supplemental effort but from the dedication and statesmanlike contributions that will be made by leaders such as you in the various countries.

Development of health manpower resources programs are now being stepped up everywhere. The President's proposal that an International Career Service in Health within the Department of Health, Education and Welfare be created is now being implemented. Similarly, the proposal that Peace Corps recruitment to meet health manpower needs in the developing nations is now being carried out.

Two weeks ago, the Vice President of the United States backed proposals to offer young people an opportunity for four years of "national service" at home and abroad as a substitute for service in the Armed Forces.

"Certainly we should carefully consider proposals," the Vice President said, "to equate service in the Armed Forces with four years of national service, two of them in developing nations and two in needful parts of America."

"Today in Vietnam," he said, "there are thousands of young Americans with some medical training." These Army medics and Navy and Marine Corpsmen have earned the trust of any serviceman who has needed medical assistance.

"Would it not be a step forward," the Vice President asked, "if these men found it easier upon their return to civilian life . . . to continue to provide health care?"

The development of health manpower has been one of the strongest and most significant activities in United States-supported technical assistance programs.

Throughout the years these programs continue to have a high priority in the Agency for International Development and its predecessors.

The developing countries are sending a number of leaders or potential leaders in various professional disciplines to the United States for graduate or advanced study and to promote the training of the bulk of the manpower needed to provide the variety of services required within the countries themselves.

There have not only been between 300 and 400 A.I.D.-financed participants in health fields receiving specialized training in the United States every year, but support has been given to the development of medical, nursing, public health and other institutions in the developing countries.

There are, at present, quite a few A.I.D.-financed university-to-university relationships and a variety of others involving direct-hire A.I.D. advisors.

The creation of institutions for education and training would be to little avail if mechanisms for the effective utilization of personnel did not exist. To overcome some of the obstacles to placement of trained personnel, A.I.D. and predecessor agencies have given assistance to Ministries of Health to improve the organization, administration and financing of health services, community water supply systems and other program activities.

Turning to the problem of nutrition, especially as far as children are concerned, the Food for Peace and Food for Freedom programs administered by A.I.D. today reach 70 million children, 10 million under the age of five. The goal is to reach 150 million children annually by the end of the next five years.

A.I.D. is exploring new ways of getting enriched food supplements to preschool children, training professionals and technicians in nutritional health and in social services, and encouraging the growth of foods with required nutrients.

The Nutrition and Child Feeding Service, a unit within the Office of the War on Hunger, strives toward the qualitative improvement of the nutrition of children and mothers. Its focus is on specific nutritive gaps.

This A.I.D. administrative unit encourages development of food industries in developing countries, professional and lay education, and assists in the extension of food processing, preservation and conservation. It establishes relationships with the research, scientific and educational institutions and maintains continuing liaison with voluntary agencies.

The focus of this Service is getting food of the right kind and quantity into the stomachs of the malnourished people. The staff capability of this Service is increased almost threefold by interagency agreements with the Public Health Service and the U. S. Department of Agriculture.

In the field of disease control, the United States has been battling disease around the world on an intensified scale since World War II.

A.I.D. is now stepping up the time schedule in this continuing campaign, aiming at total elimination or permanent control of some of the world's most widespread killing and crippling diseases.

The Health Service of the Office of the War on Hunger is sponsoring programs of health manpower development, communicable disease control, extension of community water supply and sanitation services and other health protective programs.

Malaria control, for example, resulting from the combined efforts of our foreign aid, the World Health Organization, and dedicated people from your ranks, has changed the lives and brightened the prospects of millions of people in the underdeveloped world.

Hundreds of millions of people have been rescued from the debilitating effects of malaria. In 20 years, the annual incidence of new cases has been cut back from 350 million to less than 100 million.

One third of the people who live in malarious areas have been freed from the danger of transmission. In India, because of malaria control, more than one billion man-days have been added each year to the economy. In Latin America, malaria transmission has been effectively interrupted in 46 percent of the original malarious area. Another 38 percent is under the protection of active campaigns, and only 15 percent remain in the preparatory phase. We have altered the course of history. Look at the lives that have been saved and the pain that has been relieved.

The battle continues against other diseases—often with success, but also with disheartening defeats. There has been a sharp increase in the number of smallpox cases around the world this year. But the World Health Organization goal to eradicate the disease from the world within a decade remains unchanged. The health oragnization's authorities are confident mainly for two reasons, they can eradicate the disease:

First, is the increasing availability of the more easily handled freeze-dried vaccine. The world is now capable of producing enough of the vaccine to supply every country in need.

The other major development is the perfection of a new "jet gun", so-called, that propels vaccine at a high velocity to the precise depth of the skin needed to achieve the best results without using a needle.

As many as 1400 persons have been vaccinated in one hour in India with the easily portable gun. The problem seems to be to get the people being vaccinated to pass in front of the gun fast enough.

In some parts of the world, such as Latin America, yellow fever, tuberculosis, leprosy and diarrheal diseases are still serious medical problems.

The mortality rate from tuberculosis is about 23 per 100,000 population in middle-America and 30 per 100,000 in South America. This compares with 4.3 per 100,000 population in the United States and 3.5 per 100,000 in Canada.

Leprosy is a far greater problem in Latin America than is generally realized in North America. About 400,000 people suffer from the disease but only about 60 percent of the known cases are being treated.

Fortunately, leprosy is now considered in most countries as just another communicable disease; compulsory isolation of leprosy patients has disappeared and leprosariums are slowly being transformed into hospitals. Venezuela has done a particularly outstanding job in training personnel for leprosy control and providing rehabilitation services for leprosy patients.

In collaboration with the Pan American Health Organization, Venezuela has organized a training school to which physicians from throughout the Americas can go for training in the different aspects and procedures for leprosy control programs.

Outside the immediate U.S. Government machinery, there is a whole constellation of educational, research, and scientific and professional institutions and organizations that are also involved in the international food nutrition and health programs.

The land-grant colleges and universities through grants or contracts from A.I.D. are playing an important part. Schools of public health, medical schools and other university departments have been involved, some under contract or grant from A.I.D., others independently or through grants from foundations or other sources.

A number of foundations have been particularly concerned in the international food and nutrition and health fields and have provided substantial grants related one way or another to these sectors.

A large new area of participation is now evolving. This is the vast potential of the United States food industry complex. The Agency for International Development continues to encourage greater private partici-

pation in our assistance programs and the creation of a climate in the less developed countries that will promote a vigorous private sector.

The most significant private sector involved in A.I.D. programs related directly to health and sanitation projects have been by the chemical industry; the pharmaceutical industry; private engineering and construction firms involved in the design, construction and operation of urban water supply and sewerage systems.

The pharmaceutical industry in the United States, in Canada, and in Western Europe have made significant contributions to the health of people in the developing countries by the development and marketing of the important drugs and vaccines used throughout the world.

The chemical industry is closely allied with the pharmaceutical industry and many of today's therapeutic agents were developed from unrelated chemical discoveries. The recent development of the plastic intra-uterine device is an example of a development in private industry which made possible a significant medical advance.

The plastic intra-uterine device is now being used throughout the world. Without the plastic, there would be no intra-uterine device and little likelihood that developing countries would be carrying out effective family planning programs.

The Agency for International Development has a special office of Private Enterprise to inform businesses and industries of opportunities in developing countries, to serve as a focal point for information and coordinate A.I.D. activities with respect to private enterprise, and to assist the Agency for International Development in effectively utilizing the vast resoruces of private enterprise in its overseas programs.

The role of professional organizations has long been very significant, even though less tangible than private industry and the foundations.

Probably the most significant United States based professional society operating overseas is the Christian Medical Society. This group has more than 600 physician members serving in the developing countries and it maintains contact with hundreds of hospitals and dispensaries overseas. It annually sends more than $2 million worth of drugs, supplies and equipment to these institutions.

The American Medical Association has been gradually expanding its activities in the international field. It has sponsored several significant conferences on international health; it serves as a focal point for information for American physicians wishing to serve overseas; and it provides assistance to A.I.D. in the recruitment of physicians to serve abroad.

The Association of American Medical Colleges created an international division a few years ago under foundation grants and a contract with A.I.D. The Association has done work to stimulate the interest of medical schools in the United States in the needs and opportunities of medical education programs in the developing countries.

All the medical schools in the United States now have a liaison officer for international activities. A survey by the Association revealed that over 4,000 full-time faculty members are interested in overseas service. The Association has undertaken a variety of services for A.I.D., the most significant being a year-long study of medical education in the developing countries.

Significantly assisting in improving health and nutrition in the developing countries are the voluntary agencies. They are making an increasingly important contribution in such areas as food distribution, child feeding, disaster relief, disease control and rehabilitation in the developing countries.

Registered American voluntary agencies such as CARE, Catholic Relief, Church World Service and others, now have some 900 American representatives overseas and employ about 7,000 local personnel in the countries where they have programs.

A number of non-sectarian, medically oriented, technical assistance organizations have developed since the Second World War. Two of the most successful of these organizations have been Project HOPE and MEDICO.

The first overseas program of Project HOPE took a large hospital ship to Southeast Asia where a number of medical care and training programs were carried out. A long-term rehabilitation program has been continued in Vietnam. Since then, the HOPE ship has been in Peru, Ecuador and Guinea.

After the ship leaves, usually after 9 months or more, a long-term institutionally based program is continued.

MEDICO which began as an independent organization, now works through the administration framework of CARE. It has had orthopedic, ophthalmological and other medical care-taking teams in countries of the Far East, South and Southeast Asia, Middle East, North Africa, East Africa and Central America.

These projects range in size from small rural clinics to large city hospitals and they may include doctors, nurses, equipment and drugs. In 1965, MEDICO ministered to half a million sick and injured people.

Both MEDICO and HOPE have some salaried overseas staff, but the majority of the medical personnel working overseas are volunteers working without pay or for salaries far below their U.S.-earning capacity.

In all its efforts in the fields of health, nutrition, etc., A.I.D. maintains a continuing dialogue with international organizations such as the World Health Organization (WHO), the Pan-American Health Organization (PAHO), UNICEF and FAO. This is effected through individual conferences or organized and planned committee for seminar sessions.

Nutrition specialists, for example, work directly with their counterparts in these international organizations. These informal relationships are reinforced by an annual meeting of representatives of WHO, FAO, UNICEF and A.I.D. at which all programs of the respective agencies relating to nutrition are presented and discussed.

Our limited time does not permit us to discuss in detail the wonderful work done by the World Health Organization in helping build strong national health services in countries around the world; in working with other governments on programs to eradicate or control epidemic, endemic, and other widespread diseases; and in promoting activities for the improvement of nutrition, sanitation, and maternal and child health.

WHO also promotes and supports research; works for the standardization of nomenclature and international standards with respect to biologicals, pharmaceutical products, diagnostic tests, and food inspection; supports reference laboratories; furnishes direct advice and aid to governments in emergencies; and seeks to enlarge our knowledge of the relationships of health to social and economic development.

The World Health Organization has a staff of more than 2,500, including doctors, nurses, administrators, scientists, statisticians; interpreters and so forth. In 1966, WHO was participating in over 900 government health projects in 143 countries and territories.

The United States is a member of both WHO and PAHO. The United States not only makes a major financial contribution to these organizations but it participates actively in the policy-making through its delegation at the World Health Assembly.

As for the problem of population control, assistance is now offered under a new policy permitting United States funds to be spent for contraceptive material when *it is requested* for family-planning programs.

We trust that common sense will prevail and the world will finally find it possible to cope with the human tidal wave which is threatening humanity itself with catastrophe.

The problem is indeed baffling. My colleague in the Office of the War on Hunger of the Agency for International Development of the Department of State and I—from the very able Administrator, Herbert Waters, on down—have been spending long hours well into the night trying to find solutions to the various facets of the problem.

But I am an optimist. For a world society that is likely to have a man on the moon within the next three or four years, it should not be too difficult to devise ways to prevent people from starving on earth, or living in the shadow of disease, misery and despair.

Now I know, in the minds of some of you the thought is ever-present: What can I personally do to help in this world-wide effort to alleviate conditions and to make life more pleasant on this planet.

The need is great, and each and every one of us can do something to help. In my opinion, the best and most effective way for a doctor, a nurse or a medical technician to render services would be through the World Health Organization and the Pan American Organization, or through such private agencies as MEDICO-CARE, the HOPE project, or the Christian Medical Society. Their addresses may be found in any library reference section.

It is very encouraging indeed to realize that the spirit of compassion and genuine brotherhood is increasingly permeating the world atmosphere. And, with the eminent historian, Arnold Toynbee, I should like to say to you:

"Our age will be remembered not for its horrifying crimes or its astonishing inventions, but because it is the first generation since the dawn of history in which mankind dared to believe it practical to make the benefits of civilization available to the whole human race."

I thank you. You have been a wonderful audience.

THE RUSSIAN MEDITERRANEAN FLEET

Mr. SPONG. Mr. President, an editorial entitled "Russia in the Mediterranean," published in the Washington Star today, points to rapidly increasing naval activities in the Mediterranean. While, as observed in the editorial, the Russian Mediterranean fleet serves a historic ambition to dominate the Middle East, the buildup also gives additional proof that the center of attention in the cold war has shifted to the Middle East.

I agree with the editorial that the increased naval activity by the Russians calls for immediate adjustment by NATO.

Mr. President, I commend the editorial to the attention of Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RUSSIA IN THE MEDITERRANEAN

The Assembly of the Western European Union has good reason for the concern it feels over the withdrawal of French naval forces from the command structure of the North Atlantic Treaty Organization. As stated at the assembly's current meeting in Paris, the withdrawal has weakened NATO's southern flank at a time when the Soviet Union is obviously intent upon building up a powerful fleet in the Mediterranean.

This force—designed, among other things,

to serve Russia's historic ambition to dominate the Middle East—has been in the making for some time. Its development was given particular dramatization during the Arab-Israeli war in June, when Soviet warships moved through the Dardanelles Egypt. There can be little doubt that the Kremlin plans to add to it in a way that might in time counterbalance, if not outweigh, the United States Sixth Fleet and give the USSR a position of unprecedented strength in what used to be considered a Western lake.

The WEU Assembly—made up of parliamentarians from Britain and the six-nation Common Market—has received a report criticizing France and expressing fear that the Soviet naval growth constitutes a potential threat to sea lanes vital to the West. Although Charles de Gaulle's government may scoff at this—or may not particularly care—the danger is nonetheless real. Cairo says it will not grant base rights to Russia or any other power, but the statement falls far short of being a guarantee. On some not distant day, if Moscow presses hard enough, such rights may be forthcoming from Egypt. Further, again if Moscow presses hard enough, the leftist Algerian government may invite the USSR to move into the huge naval complex at Mers-el-Kebir after the French pull out early next year.

It may be, of course, that the Russians—having in mind world-wide propaganda considerations and the vulnerable nature of fixed bases in the nuclear age—may not really want to take over places like Mers-el-Kebir. It is clear, however, that they are anxious to become a formidable naval power in the Mediterranean. That is why their forces in that sea have increased over ten times since 1963. That is why—as pointed out by Harlan Cleveland, American Ambassador to NATO—their naval operating days there during the first six months of this year were 400 percent greater than for all of 1963, and why their submarine operating days have increased by something like 2,000 percent in the past four years.

Plainly enough, whatever it may do about bases, Russia is in the Mediterranean to stay, and NATO's military planning must be adjusted accordingly.

UNIVERSAL EDUCATIONAL OPPORTUNITY AT THE POSTSECONDARY LEVEL

Mr. YARBOROUGH. Mr. President, on September 12, 1967, I introduced on the floor of the Senate a universal educational opportunity bill in the form of an amendment to S. 1126, the Higher Education Amendments of 1967. My bill would declare as the intent of Congress that universal educational opportunity at the postsecondary level be made available through appropriate public assistance. The procedural section of this proposal would direct the Secretary of Health, Education, and Welfare to make a study, with the assistance of a Commission established for this purpose, to determine the alternative plans that are capable of satisfying the congressional intent.

The essence of my amendment is simply this: to insure that opportunity for education beyond the secondary level is not limited by financial barriers. In short—to borrow the language and spirit of a phrase used by the very eminent former Supreme Court Justice, Felix Frankfurter—

> The chance for higher education [would become] independent of the cash nexus.

This proposal is neither new nor radical. Its virtues are the same as those supported in 1847 by Townsend Harris, the distinguished educator and founder of the City College of New York, who made the following stand for universal educational opportunity:

> Open the doors to all—let the children of the rich and poor take their seats together and know of no distinction save that of industry, good conduct, and intellect.

In order that an individual may have the capacity to cope positively with a very complex world, and that he may have the acuity to exercise creative and productive citizenship, it is clear that advanced education will be as necessary tomorrow as a high school diploma is today. If the egalitarian values and democratic hopes which launched the noble American experiment in 1789 have any meaning within the context of a modern America it is that advanced educational opportunity must be made available to all without artificial restrictions of any kind—no more financial than racial or religious.

I am pleased to observe, Mr. President, that Mr. J. W. Anderson, an articulate journalist associated with the Washington Post, has also been giving some thought to this important matter of college financing. In a very perceptive article, which appeared in the Post last Tuesday, December 5, 1967. Mr. Anderson makes the point that—

> Free and universal higher education is, after all, a less radical idea today than free and universal high school education seemed at the turn of the century.

Mr. President, we must begin today to meet the educational needs of tomorrow's America. This task demands the attention of us all, and Mr. Anderson's thoughtful article helps to focus our attention on the urgent need for a national commitment to universal educational opportunity beyond the high school. I commend this article entitled "Costs of College: A Federal Issue" to my colleagues and ask unanimous consent that it be printed in the RECORD for their review.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 5, 1967]

COSTS OF COLLEGE: A FEDERAL ISSUE

(By J. W. Anderson)

The American colleges have now arrived at the point that the American high schools had reached by the middle 1920's. They are still mainly the possession of the upper middle classes, but only to a steadily diminishing degree. They are, in fact, rapidly being democratized. Four out of every 10 Americans of college age are now actually enrolled in college, just about the proportion that went to high school in 1925.

Local property taxes built the high schools, but financing the colleges is not going to be so simple. As a practical matter, the Federal Government is the only instrument strong enough to carry out the simultaneous expansion of both capacity and quality that is already rapidly accelerating. The only real issue now is the form that the next decade's Federal aid to higher education must take.

In 1956, there were 2.8 million college and university students. By 1966, there were 6 million. In 1956, the American colleges and universities cost $4.2 billion a year. By 1966, the cost had risen to $15 billion. That is to say, enrollments had doubled but costs had nearly quadrupled.

Currently a college education costs, on the national average, about $800 more each year per full-time student than the student pays in tuition and fees. The deficit now is running over $4 billion a year. Within five years, it will be nearly $8 billion.

Most of this deficit is now being met by the States through their university systems. But, to maintain their present share of the burden, the States would have to find more new money for university budgets in the next five years than they added in the last ten. And there are urgent signs, of course, that they will not.

The U.S. Office of Education is now taking a close look into the future of college financing. Joseph Froomkin, OE's assistant commissioner for program planning, has carried out a pioneer study of the unanswered questions.

The distribution of Federal aid to students is, first of all, a bit eccentric. Each graduate degree in the natural sciences costs, on the average, $7580 in Federal aid to students. But each graduate degree in education costs an average of $267 in Federal aid. In humanities, the average is $449; in social sciences, $1939; in engineering, $1657. Is advanced training in the sciences really worth five times as much to the country as in engineering, and 29 times as much as in education?

The same kind of unintentional oddity affects the Federal aid to college and university construction. The institutions in large metropolitan areas enroll 46 per cent of the students, but got only 22 per cent of the aid last year. The institutions out in the country enroll 25 per cent of the students, but got 54 per cent of the construction aid.

Careful administration is the remedy to this kind of inequity. But the main question raised by Froomkin is much harder to resolve. The number of college students from low-income families will largely depend upon public aid, and that will increasingly mean Federal aid. If the Federal Government encourages additional youngsters to go to college, Froomkin asks, does not the Federal Government have a responsibility to expand the colleges?

Almost half of the enrollment in the American colleges today comes from the top one-fourth of the economic ladder, with family incomes over $10,000. Fewer than 7 per cent come from the poorest one-fourth.

Froomkin then asked his computer what would happen if the Federal Government eliminated every financial impediment to attending college. With full scholarship aid to all who need and ask it, the computer replied, enrollment would rise to about 6.2 million full-time undergraduates by 1972, instead of the 5.1 million who could be expected to enroll without Federal aid.

The difference in enrollments is relatively modest because inadequate school preparation and lack of interest would remain powerful deterrents among the poorest youngsters, even aside from any financial pressure.

The other half of the aid issue is the deficit that the universities would bear for each of those 1.1 million additional undergraduates enrolled with Federal support.

Perhaps the best answer is also the simplest: Give Federal scholarships to the youngsters who need them, and flat Federal subsidy to the university for each of its students. Free and universal higher education is, after all, a less radical idea today than free and universal high school education seemed at the turn of the century.

SECOND HIGH CHURCHMAN VISITS LAS VEGAS

Mr. CANNON. Mr. President, last Friday evening, Hugh B. Brown, first counselor to David O. McKay, president of

the Church of Jesus Christ of Latter-day Saints, spoke in Las Vegas.

Thousands of persons, many of whom were not members of the Latter-day Saints Church, but were vitally interested in the ecumenical spirit of our times, heard President Brown's address at the Las Vegas Convention Center.

President Brown is the second religious leader to visit Las Vegas in recent months. Earlier, the city was honored by a visit by the Most Reverend and Right Honorable Arthur Michael Ramsey, Archbishop of Canterbury, who participated in an ecumenical service.

Las Vegas has been singularly honored by the visits of such respected and outstanding spiritual leaders. The Las Vegas Review-Journal, in its December 5 editorial, commented on the significance of these visits and of the remarkable contributions of the Latter-day Saints Church to the city of Las Vegas. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Las Vegas Review-Journal, Dec 5, 1967]

COUNSELOR BROWN'S VISIT HONORS SOUTHERN NEVADA

The visit to Las Vegas by Hugh B. Brown Friday held great significance to Mormons and non-Mormons alike in southern Nevada. Brown is first counselor to David O. McKay, president of the Church of Jesus Christ of Latter-day Saints.

Because of failing health on the part of President McKay, much of the role of active leadership of the LDS church has fallen on Brown.

In many ways, Brown's visit can be compared to the recent sojourn in Las Vegas by the Archbishop of Canterbury. In both cases, there was new evidence that Las Vegas has become a major city deserving of visits by high church leaders, and that its image as a "sin city" is fading.

Brown is perhaps the highest official in the LDS church ever to visit southern Nevada.

The visit is doubly appropriate. It was Latter-day Saints who first toiled their way across the high country of southern Utah to settle on the site that later became Las Vegas. The first schools, first churches, first farms and first mines in southern Nevada were wrought by the sweat and sacrifice of Mormon pioneers.

Not only does Las Vegas owe a big piece of its heritage to the Latter-day Saints, even today Mormons represent a major portion of the community's business and civic leadership. Every Las Vegan should join with them in appreciation of the visit of Counselor Brown.

RECORD OF ACHIEVEMENT OF IRAN-AMERICA SOCIETY

Mr. ANDERSON. Mr. President, a notable event took place at the Freer Gallery of Art on October 26, 1967, under the joint auspices of the Iran-America Society and the Freer Gallery participating in a national salute to His Imperial Majesty Mohammad Reza Pahlavi, Shahanshah of Iran, and Her Imperial Majesty Shahbanou Farah of Iran. It was a double event because it was the birthday of His Imperial Majesty who has done so much to improve the standards of living and the way of life of a noble people and serve as a stabilizing force in the Persian Gulf as well as the coronation of these two great leaders.

I commend to the Senate the record of achievement of the Iran-America Society whose president, Ralph E. Becker, a distinguished international lawyer, is an old friend of mine.

This organization is only 3 years old and is exclusively dedicated to furthering the enduring friendship, mutually striving for better understanding and cultural ties, between the people of Iran and the United States. Its purpose is to foster among Americans and Iranians a greater knowledge of the arts, literature, science, social customs, and the economic and political patterns of the United States. So, it was befitting that this organization, with the cooperation of the State Department and the Ambassador of Iran, participate in a national salute with exhibits in 15 museums which included the Seattle Art Museum, Los Angeles County Museum, Detroit Institute of Arts, William Rockhill Nelson Gallery of Art, Kansas City, Mo., Cleveland Museum of Art, Cincinnati Art Museum, Philadelphia Museum of Art, University of Pennsylvania, Fogg Art Museum of Harvard University, Boston Museum of Fine Arts, Corning Museum of Glass, Corning, N.Y., the Walters Art Gallery, Baltimore, Md., Textile Museum of Washington, D.C., the Library of Congress, and the Freer Gallery of Art.

His Imperial Majesty, the Shah of Iran, has performed 26 years of noble stewardship and, as stated by our Vice President, the coronation is a fitting ceremony marking these 26 years which have also been years of momentous achievement in Iran.

Mr. President, I ask unanimous consent that the remarks of the Vice President of the United States, Hon. HUBERT HUMPHREY; His Excellency, Hushang Ansary, Ambassador of Iran; and Ralph E. Becker, president of the Iran-America Society, be printed in the RECORD.

The moderator of this signal event was John Pope, director of the Freer Gallery of Art. The ceremonies included the presence of the U.S. Marine Band.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF VICE PRESIDENT HUMPHREY MARKING CELEBRATION OF SHAH OF IRAN AT THE FREER GALLERY, WASHINGTON, D.C., OCTOBER 26, 1967

Mr. Ambassador, Ladies and Gentlemen, Friends, it is most appropriate that we celebrate a great nation at this time and in this place.

Today in Tehran His Imperial Majesty, Mohammad Reza Pahlavi, is being formally crowned Shahanshah of the Iranian nation. It is a fitting ceremony for marking twenty-six years of stewardship which have also been years of momentous achievement in Iran.

It is a special pleasure for me to participate in this ceremony as I have only recently had the privilege of meeting with His Majesty here in Washington. The President and Mrs. Johnson were proud to have an opportunity to once again welcome such a stalwart friend and distinguished leader of a great and flourishing nation. We benefited from his wisdom and were stimulated by his forward looking statesmanship.

The Shahanshah had refused to be the crowned head of a poor nation. He takes today the symbol of his office in the certainty that Iran has made great progress in its social and economic life. He will join today too with the aspirations of Iran's women, symbolizing their full equality by placing a crown upon the head of the Empress Farah.

I can only speculate about the mainsprings of Iran's unique talent. Scholars have asserted that it derives from clear skies and a bracing climate. Others have noted Iran's flexible and beautiful language. It could be the vitality of a people whose religion has taught that simplicity is virtue and whose very old culture found its heaven in light and truth. Iran's artistry may owe even to the vicissitudes occasioned by a people's historic unwillingness to be absorbed by a larger power, or by transitory force.

I would like to recall how skillful leadership has, during a reign of just more than a quarter of a century, spurred the creation of a newly-constituted Iranian social and economic fabric.

Much of the history of this period has been one of courage and perseverance, steadfastness and determination.

Iran was not blessed with peace at the beginning of this reign early in World War II. Iran was divided and occupied, but Iran survived.

Neither were the early years of the Cold War easy ones. One fourth of the country was occupied by the Soviet Union. In a most difficult period, Iran persisted and those occupying troops were removed.

The following years were also not easy. The demands of modernization were sudden and appallingly difficult. Under the leadership of the Shah, Iran survived these crises, and new ways were found for the nation to direct its energies and control its vital resources so that it began to prosper.

Through all these years, Iran has concentrated on its internal needs and has played a constructive role in foreign affairs. Iran has not squandered its resources and energies on foreign adventures. It has realized that the true strength of any country comes from greatness within, but it has also steadfastly defended its independence and sovereignty so as to permit its internal development without outside interference.

Under the leadership of the man who is being crowned this day, Iran has taught all of us that the task of nation building and maintaining a great nation requires above all else persistent effort and an unwillingness to turn from difficult tasks.

Ladies and Gentlemen, the works of art that we are going to visit together are not mere artifacts, they are not the relics of a civilization that has flourished and disappeared. They are symbols of a still vibrant, living nation, and of its courageous leader.

This is our way of saluting the man who today is being crowned Shahanshah of Iran and of celebrating too the coronation of his gallant partner in leading Iran toward its goals of peace and security, the Empress Farah.

The people of America extend to the people of Iran our very best wishes for their continued progress and happiness.

His Imperial Majesty has our prayers and good wishes in this great hour of his coronation.

STATEMENT BY HIS EXCELLENCY HUSHANG ANSARY, AMBASSADOR OF IRAN AT THE FREER ART GALLERY, OCTOBER 26, 1967

Mr. Vice President, distinguished guests, permit me to express my sincere appreciation and gratitude for your presence here today. We are indeed grateful and deeply touched, Mr. Vice President, that you have taken time out from your important duties in order to join us on this auspicious occasion which underscores once again the deep bonds of friendship between our two nations. The people of Iran are indeed fortunate, Mr.

Vice President, to have in you a great and good friend.

The coronation in Iran is not merely a time of pomp and circumstance. It reaches back thousands of years in Persian history and touches the deepest roots of our traditions, our institutions and our national character. On this auspicious occasion it brings together the glorious past and bright future of Iran. It marks over a quarter of a century of self-sacrifice and unending devotion by the Shahanshah for the people of Iran, in its first stage to bring relief from internal chaos and establish order in external relations—and in its second session to revolutionize the entire social, economic and political structure of the country. It is a source of pride—pride with humility—for the people of Iran that on his coronation the Shahanshah has, not only their love, complete loyalty and deep gratitude, but also the recognition of the world as a force for peace, for justice, for liberty and equality. If I may express the lesson we proclaim in the coronation, it is this: That the Shahanshah has taught the people of Iran to demonstrate that a nation can bring together the technology and social purpose of the modern world with the wisdom and richness of its own experience. Iran has renewed the ancient truths in modern conditions, and it is for this that the Shahanshah will be remembered most in the long succession of Iran's kings. Thank you very much once again, Mr. Vice President, for this honor.

REMARKS OF RALPH E. BECKER, PRESIDENT, IRAN-AMERICAN SOCIETY AT THE FREER GALLERY, OCTOBER 26, 1967

Mr. Vice President, Your Excellency the Ambassador of Iran, Distinguished Guests, Friends, Mr. Pope, it is a great honor that we in the United States are participating in a National Salute to His Imperial Majesty Mohammad Reza Pahlavi, Aryamehr, Shahanshah of Iran, and Her Imperial Majesty Empress Farah Pahlavi, Shahbanou of Iran on a very joyous occasion—the Coronation of two wonderful leaders. Today is also the birthday of His Imperial Majesty, who has done so much to improve the standards of living and the way of life of a noble people and serve as a stabilizing force in the Persian Gulf. We wish them good health, happiness and a long life together.

Iran has sent to this country many distinguished Ambassadors. However, this nation is unique in that it has sent a silent but effective second Ambassador in its great art objects which exist in practically every museum in this country. Its popularity is well known. A few years ago the collection "7,000 Years of Iranian Art" was received in this country and the exhibit broke attendance records in the museums in which it was shown, and was extended an additional year. In the Nation's Capital we have many examples of this great art—in the Freer Gallery, the Library of Congress, the Textile Museum and the National Gallery of Art. Iranian art is greatly appreciated as it always depicts serenity, sweetness and beauty of life in contrast to other arts that sometimes show anger, fear, torture and despair. Iranian art is inspiring and shows the true human values. It has a long life of over 7,000 years and recently, according to new archeological finds, perhaps 8,000 years.

Our organization, though only three years old, has a membership of over 500 and a distinguished Board of Directors. During observance of Coronation Week we have put together a very fine program to commemorate the Coronation with exhibitions in 15 museums participating in a National Salute from Seattle to Boston—Philadelphia to Los Angeles. It is highlighted by the ceremony today at this distinguished Gallery.

Before introducing the Speaker for this occasion I want to thank Mr. Pope, his staff, the Department of State—particularly Mr. Ted Eliot, Director of Iranian Affairs and Mr. Hollman, His Excellency the Ambassador of Iran, Hushang Ansary, and his staff and particularly his Public Affairs Officer, Kambiz Panah and the Directors of the 15 museums throughout this country.

When President Johnson was the Vice President he visited Iran and we hope Vice President Humphrey will, in due course, make a similar visit as a good omen for his future. It is a privilege to introduce the Vice President of the United States.

THE OTEPKA CASE

Mr. CURTIS. Mr. President, within the next few days Secretary of State Rusk will announce his decision in the celebrated case of Otto Otepka, a State Department official accused of improperly giving information to congressional committees.

The shocking details about the way this case has been handled, and particularly about the way the people's "right to know" was thwarted in its handling, are set forth in a report published by the Advancement of Freedom of Information Committee of Sigma Delta Chi, professional journalistic society.

It is my fervent hope, Mr. President, that the full report of the hearing examiner in the Otepka case will be made public, and that this report together with Secretary Rusk's decision will shed some much-needed light on the facts.

I want to call attention particularly to these points in the Sigma Delta Chi report:

First. The hearings were secret and the transcript has been kept secret thus far with no valid justification.

Second. A hearing officer was selected within the State Department, subject to all the pressures within the Department, instead of obtaining the services of an impartial outside examiner.

Third. There have been major conflicts in testimony and major omissions of official explanation as to the use of illegal eavesdropping and wiretapping in the collection of evidence to discredit Mr. Otepka, thereby to justify his ouster.

If the hearing examiner's report is not made public or if it and Mr. Rusk's decision either singularly or together do not present a clear picture of what happened, Mr. President, I feel that a full congressional investigation will be in order.

The functioning of Congress will be seriously hampered, and the will of the people thwarted, if officials of executive agencies are required to live in fear that they will lose their jobs or be demoted or punished in any way for giving information to Congress. Factual, accurate information from the executive branch is a cornerstone for much of the legislation which must be enacted for the Nation.

Mr. President, I ask unanimous consent to place in the RECORD at this point the portion of the Sigma Delta Chi report dealing with information in the Otepka case, as follows:

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The State Department has another such controversy on its hands. In the first two months after the FOI Act went into effect, State received about a dozen formal requests for specific documents and granted them all except three. All three refusals covered transcripts of hearings concerning Otto Otepka, a department official accused of improperly leaking information to congressional committees. State classifies the transcripts as relating to internal personnel matters, a specific exemption under the law.

The State Department secrecy in this instance was an obvious effort to hide a record that is ambarrassing to Secretary of State Dean Rusk and other high officials. The only real justification for secrecy on personnel records is for the protection of the government employee. This could not be used in the Otepka case, for Otepka had asked that the hearings be public so he could get the full story of the "get Otepka" conspiracy before the public.

When the fallacy of the original justification for secrecy was pointed out, the State Department then claimed that it was justified in conducting secret hearings because national security was involved. In this instance it was pointed out that two documents used in the hearings as evidence carried a national security classification.

Under questioning, the State Department lawyer admitted that the two documents with a national security classification had already been published in full in the reports of the Senate Internal Security Subcommittee. Although this publication had taken place with State Department knowledge more than a year prior to the Otepka hearing, the State Department refused to change its position.

A study of this entire case makes it obvious that the State Department was misusing a claim of national security for purposes of hiding or obscuring the record. The record of this case discloses a disgraceful pattern of inaccurate and misleading testimony by high State Department officials. These officials gave inaccurate misleading testimony in connection with security cases. When Otepka gave testimony and produced records proving that superiors had lied under oath, the superiors used unauthorized eavesdropping and wiretapping as well as other police state methods to try to obtain grounds for firing Otepka.

High State Department officials denied they had engaged in eavesdropping and wiretapping when questioned under oath by a congressional committee, and they made the same denials to the press. Later, these officials were forced to admit that there had been the eavesdropping and wiretapping as part of a "get Otepka" move.

For the four years that this case has been pending before the State Department, the Department press office has engaged in a broad pattern of inaccurate and misleading statements to reporters and interested citizens in an effort to smear Otepka. That outrageous pattern of deception has continued at least through August 1967.

THEY HELPED TO MAKE THIS NATION GREAT

Mr. BYRD of West Virginia. Mr. President, an anniversary passed this week that should not go unnoticed. December 6 was the 60th anniversary of the worst coal mine disaster in the Nation's history, the tragedy that occurred at Monongah, Marion County, W. Va., on December 6, 1907, when 361 coal miners lost their lives in an explosion.

Great advances in mine safety have been made since then, I am thankful to say. Many other tragedies have occurred in the coal fields of West Virginia and other States where coal is produced, but

none that left as many families bereaved as that at Monongah.

The Nation owes a great debt of gratitude to the men who have mined the coal that has powered our industrial progress. America's industrial might traces as much to its wealth of coal, and to the brawn and skill and courage of the men who have gone into the bowels of the earth to extract it, as to any other of the many factors that have made our country great.

It is fitting, I think, that we remember those who have given their lives in the hazardous undertakings that have contributed to giving this Nation its position of preeminence today.

An excellent article commemorating the tragedy at Monongah was published in the current issue of the weekly West Virginia Hillbilly, the unique newspaper published by Jim Comstock and Bronson McClung at Richwood, W. Va.

Mr. President, I ask unanimous consent that the article, written by Charles Carpenter, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEST WE FORGET: 60 YEARS AGO 361 DIED AT MONONGAH

(By Charles Carpenter)

On a clear, cold morning, it was December 6th, 1907, six decades ago this week almost four hundred miners and other workers left their homes, went to the Monongah Mine, most of these passing into the mine for the day-time tour of duty.

The Monongah operation consisted of two large "workings" joined together by haulways, air shafts and otherwise; including electric cable tunnels, and walking passages. The two outside openings leading into the mine were nearly half a mile apart. One was at an elevation of sixty feet higher than the other, the difference in level being due to the coal seam dip at the place, which was a little in excess of such levels of the vein in general elsewhere.

At 10:28 A. M. on the fateful Friday of December, after the morning whistle had blown, and the horde of miners had gone into their working places, and had been at their tasks a couple of hours; the explosion let loose. It was with an unprecedented violence and magnitude, one which was never thought by anybody as being a possibility.

At the high portal a great mass of mine cars, trackage, coal, wooden props, bodies of horses and mules—and of men—came out through the drift mouth of the mine as if the mass had been shot out of a monster cannon. A large fanhouse at the portal outside of the opening of the upper portal was torn to pieces, three workmen in it killed.

This portal of the mine, built on the order of those at most big operations, was strongly constructed of cement and bricks, reinforced with railroad rails, old boiler tubes, steel cable wire, and such things. The portal was so built to prevent landslides coming down and doing damage, or blocking the entry.

The whole portal structure at the upper opening was torn apart as if a heavy charge of high explosives might have been planted right under it and set off.

The mine explosion was so terrific that a hole was blown in the side of the hill above the coal vein in one place a good distance from the openings, this letting daylight into the working "room" where this took place. This was where a "room" was close to the surface, the overlay of earth being only a few feet in thickness. But even with this fact in consideration it showed that it took an enormous explosion pressure to lift the hundreds of tons of earth, throw it aside, and bring a hole from the "room" to the outside.

If people at the time had known about the atom-bomb, and its vast force, the herculean mine blast at Monongah might have been likened to an underground atom-bomb explosion. The knowledge that there was such a thing as atom-bomb chain reaction was the time of a whole generation off.

Just after the explosion an intensely heated air current rushed outward from the mine headings in other words, the two openings. Because of this it was impossible for anyone to enter the mine. Going in was not practical until the fanning system was put back into working order, and the poisoned and heated air partly drawn out, and some fresh air forced in.

No one could have lived for more than a few minutes in the contaminated air that was issuing from the two entries for a while after the blast. This even on the surface outside the mine. Smoke was seen coming out of both portals, which indicated that fires must be burning inside at places. The fan at the lower opening was put back in working order in something less than an hour; but at the upper portal a whole new fanning outfit had to be brought in and installed, which could not be done in any short time. This was an all day and night job.

A few hours after the work was completed on the lower fanning system, a few rescue workers—miners from all the neighborhood mines had gathered to the number of several hundred, and offered their services as rescuers—were permitted to go into the lower opening. Some hours later a team of men were started into the upper drift mouth. At the time there were no gas masks around mines, and those entering had to go in with the risk of being overcome at any moment.

At the lower opening where there was a slope down into the mine, just before the explosion a coal "trip" had broken loose and run back down the slope, wrecking and completely blocking the passage. In the upper opening on a level, the rescue team entering it, found that it was almost impassable. This passage-way was strewn with twisted rails (mine rails were about one-third the size of the average standard railroad rails), mine cars, piles of coal, timber props, tools, parts of working machines; and tragically, with the bodies of men, besides those of horses and mules.

The mine's electrical wiring system which had taken power into the working places to run the cutting machines, and to propel the hauling motors, was blown to pieces. The comparatively few electric lights the mine had were totally gone. Strings of twisted electric wire were everywhere.

Only safety-lamps could be used along the passages in the first relief attempts, as open lights would have been too much of a risk at this stage. At the time battery lights were not in use. Miners wore lightweight caps with oil "cup" lights hanging on them in their daily work.

When rescue teams finally got back some distance along the haul-ways and into the rooms, no one was found to rescue, as it had been thought that there possibly would be. Every man found in the mine after the rescuers got to work was dead. One miner was come upon in a half closed off room with an open dinner pail by him; seemingly he had been getting ready to take a between-meal snack. Oddly the dinner pail was not upset. The man seemingly was killed by the sudden rush of toxic gas upon him. His face was burned.

Rescuers getting a little over a thousand feet back into the main headway, the one leading from the upper portal, came upon a wrecked "trip" of coal which had been moving outward in the direction of the portal. A portion of the cars were smashed. Coal from the "trip" was scattered deep along the haulway ahead of the "trip." The motorman's body had been driven into the mechanism of his traction-motor. The brakeman was found blown clear through a hundred feet ahead of the "trip".

In the working rooms horses and mules had been used to pull the loaded cars from the coal "face" to the haulways, where the traction motors were coupled to the cars to take them out of the mine. Not a horse or mule was left alive in all of the rooms, or anywhere in the entries.

Throughout the mine after the overhead, and in places on the coal vein face were small (some almost microscopic) deposits of coke, which came from the blast heat. As these were in many places agglomerated the indication was that at the time of their deposit they were extremely hot, so heated that they were momentarily in a semi-fluid condition.

It was the opinion of mining experts and metallurgists that these fragments of coked coal-bits travelled so fast at the moment of the explosion and in their nascent state that they did not have time to cool. It was believed that the two or three "after fires" following the blast were set by the swiftly drifting heat-charged fragments. Two chemists coming to the scene concurred with this belief, saying the fire settings necessarily came in this way.

Oddly five men came out of the mine through the hole that was blown through the "roof" where the overlay was not thick, which has been mentioned. Only a few minutes after the explosion four men crawled out through this vent. All the men were injured, one having lost an eye. These men had been in a "room" which had been blocked off by debris driven into the haulway near their working place, this blocking much weakening the force of the blast upon them. They saw the light coming through the blown out "toad hole", and were able to escape through it. In mining a surface break-through letting in daylight is designated as a "toad hole."

Just as these four men reached the surface they heard moans down in the blown-out hole, and a rescuer went down with a rope around his waist so that he could be pulled back in case he stopped calling back and was overcome by gas. This rescuer dragged up through the hole the fifth and last man coming from the mine alive. The man lived and worked many years in the mine afterwards. (It took six months to clear the mine and to re-equip it for full operation.)

An attempt was made early in the rescue work to get into the main spaces of the mine through the "toad hole" opening, but the mass of debris blown into the haulway leading to this space made this impossible. The passage was totally closed off.

In a couple of days the task of bringing bodies from all the working rooms and from along the entries got in motion.

In the week after the explosion two hundred and eighty-four bodies were buried in the two cemeteries of Monongah. The other dead were taken elsewhere for interment. The final official count of the fatalities was fixed at a total of 361.

It was never satisfactorily determined exactly what caused the explosion. The County Coroner's Jury handed down the verdict that it resulted from "either what is known as a blown-out shot or by the ignition and explosion of blasting powder in the mine."

The opinion of the County Coroner's Jury meant very little, or better than that, nothing.

Seconds before the blast took place, as has already been stated, a "trip" of mine cars loaded with coal broke loose at the top of the not-too-steep incline at the lower portal, running back into the mine wrecking at the bottom of the slope. In the belief of a number of mining experts this was what triggered the explosion; and there seems no

doubt this was true. The dust explosion at this one point, perchance from an electric circuit short, or from a metal-striking spark, at once extended from there into the interior of the mine, this being all so close in time and so connected. The whole thing was in actuality a single blast.

Immediately after the Monongah disaster a wave of sympathy swept the country for the distressed families in the community—there being only a few homes where death had not visited. Within a few days a large fund was collected in eastern cities, and sent to give aid to those needing it; to help bury the dead.

Much of the Monongah population was foreign, some not being able to speak English; but this made no difference anywhere to those asked for help. In such time and in such a case, people do not ask from what country victims have come.

The majority of those losing their lives in the explosion were of southern European and Slavic extraction, and perchance the descendants of these inhabitants of the place at the time of the disaster developed a greater love for the American land and the people because of the things which were done to help them.

The population of Monongah today is still dominantingly of near foreign descent. You can see the European in many of the second and third generation descendants of the originally foreign-born dwellers. In some of the young women you can discern the girlish beauty which is noticeable among two or three of the golden-haired European racial stocks of today.

Three men were lifted from death as if by a hair; as though some strange dark angel appeared on the scene, looked about, and said: "Come with me."

Just before the explosion a miner found his cap lamp leaking oil, and in need of repair. Miners cannot work without some light, though they get accustomed to an almost stygian darkness; get used to working in an illumination that is meager to say the least. The miner with the defective "cap-hanging" lamp went out of the mine minutes before the explosion to get his "light" fixed.

In another room a "shovel man" was at work who the evening before had been somewhat under the influence of the old Demon Rum. Fingering around in his pocket, he found he had a quarter with him. He dropped his tools, and bummed a ride on a "trip" out of the mine to get himself one more drink of the beverage he had partaken of so freely the evening before. A saloon was not far from the mine mouth.

Another man forgot his plug of chewing tobacco when he went to work the morning of Monongah's terrible day. As he could not do without chewing tobacco, as many cannot do without cigarettes today, he ceased his labors, for a few minutes he probably thought, to go out of the mine and to the nearby store to purchase a plug of tobacco.

The three men had emerged from the heading less than five minutes before the herculean blast took place; the outburst which shook buildings a mile away, threw two horses down walking a good distance off from one of the mine portals, broke windows, and flung clouds of soot and grime for half a mile around.

One of the three men told of, although he had never been a man of religion and was a sort of scoffer, an hour or so after the disaster, got down on his knees in a throng of mourning and weeping men, women and children, fervently thanking the Almighty for sparing his life.

One of the last survivors of the five coming out of the mine through the "toad hole" after the explosion was Patrick McDonald, who was severely injured. He afterwards worked as a timekeeper for the coal company, passing away after reaching a ripe age, December 7th, 1958, the day after the anniversary of the explosion.

One of the men whose life was snuffed out in the Monongah explosion was Victor Davia. He lived with his wife Catherine, and their two children (one son still lives in Monongah) about a mile from the upper mine opening The day after the blast which took the life of her husband, Catherine Davia went to the mine tipple, gathered up a sack of coal and carried it home. She stacked the coal in her backyard.

The widow of Victor Davia did this coal-carrying every day until she became ill about three weeks before she died in 1936. The pile of coal in Catherine's backyard grew and grew, mounted and mounted, until it was higher than the house in which she lived.

The figure of the thin, not too-strong woman trudging homeward with her daily sack of coal was a familiar sight at Monongah for years. She refused aid offered to her in carrying her coal. She told everyone that it was because of the affection for her dead husband that she was transporting the coal and erecting her "monument", and it was her wish to do this work herself, without the aid of anyone.

Catherine was only seventeen when she married Victor Davia. She was just twenty-two when Victor lost his life in the disaster. Mrs. Davia was in her fifties when she died in 1936, but looked older.

Catherine Davia built her steadily mounting "monument" as she wanted to. She told one of her neighbors once that she wanted to "live" her monument as she erected it.

The pile of coal she carried reached from 300 to 350 tons, equaling almost seven railroad car loads. Efforts were made to buy the coal, but Catherine Davia refused all offers to purchase, as she had turned down aid in carrying the coal. After her passing the great mound of coal was given away and distributed to local institutions which could use the coal as fuel.

If anyone should happen to go on the errand to Monongah to see the little patch of ground upon which the massive pile of coal was heaped up in Catherine Davia's backyard, coal which she carried daily for twenty-nine years, during times when she was weak, day after day, through rain and snow, heat and cold, it would be well for such a visitor to tread lightly upon the soil of the place, for here was a second tragedy at Monongah originating in the love of a young woman for the man she had wed.

FRENCH AEROTRAIN CLAIMS WORLD RECORD

Mr. PELL. Mr. President, I wish to call to the attention of the Senate to an article from the New York Times of December 5 reporting that the so-called aerotrain has been clocked at world record speeds of at least 215 miles per hour in tests now being conducted in France.

This is a significant development because the aerotrain is a radical innovation in transportation and its performance is being watched with great interest. Its technological distinction lies in the fact that it is wheelless and rides on a cushion of air along a concrete track structure.

I have been interested in this unique development in connection with my long-standing concern for improved transportation in urban areas. Last fall, I had the good fortune to inspect the aerotrain project and took a test ride together with Mr. Lowell Bridwell, the distinguished administrator of the Federal Highway Administration. I came away with a great deal of respect for the project, which holds great promise, I believe, for providing highly efficient transportation over intermediate distances. In France, it is expected to transform the city of Orleans, into a suburb of Paris, even though the two cities are 70 miles apart.

Great credit in the development of this idea goes to the brilliant designer, Jean Bertin, and to Leon Kaplan, president of the aerotrain study group.

I ask unanimous consent that the article from the New York Times be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRENCH TRAIN RIDES ON CUSHION OF AIR AT 215 MILES PER HOUR

(By John L. Hess)

PARIS, December 4.—France's wheel-less "aerotrain" roared along its concrete rail at 233 miles an hour today—well, anyway 215—and its builders claimed a world record for track vehicles. In fact, to heighten both the glory and the confusion of the event, it is reliably reported that the sleek aluminum car has actually done 250 miles an hour in lonely sprints along its 4.2-mile track at Gometz-la-Ville, south of Paris. The test today, in the presence of three Cabinet Ministers and hundreds of newsmen, was to be ceremonial. But fog covered Gometz-la-Ville, and by the time it lifted, the Ministers and nearly all the newsmen were gone.

Then the helmeted crew went for the record anyhow in "Le Zinc," as they call the car. With a jet engine backed up by two rocket tubes, they made it easily.

Over the roar of the engines, the crew broadcast a reading that sounded like 375 kilometers an hour. The builders corrected that tonight to 345, based on ground measurements. But that equals 215 miles an hour, which is 20 miles faster than the record—also French—for a conventional locomotive.

Le Zinc is a half-size experimental model of the aerotrain designed by Jean Bertin. It rides on an air cushion a tenth of an inch thick along a concrete track that looks in cross-section like an inverted T. The fullscale model, driven by a turbopropeller, will carry 80 passengers up to 250 miles an hour. Mr. Bertin hopes to begin building it soon.

The car will be slowed by reversing the pitch of the propeller, stopped by brakes gripping the concrete rail. In emergency, the air cushion can be turned off, allowing the vehicle to scrape to a halt on wooden skids.

The purpose of today's demonstration was partly to show off French leadership in rail transport research and partly to arouse enthusiasm for the next big phase of Mr. Bertin's work.

Government contracts are about to be signed that will finance not only the fullscale aerotrain but also a 12.4 mile stretch of elevated track leading north from Orleans. Eventually, the promoters hope to extend the line all the way to Paris, about 70 miles, which the train would do in 25 minutes.

Spokesmen for Bertin & Cie. insist that the full-scale model will be perfectly soundproofed—an evident probelm for the noisy experimental Zinc. But they are not resting on the aerotrain alone.

TEST TRACK TO BE BUILT

The Government has approved the building of a two-mile test track at Gometz for an air-cushion vehicle, using a so-called linear induction motor. For this the French will be following research being done in the United States and Great Britain.

The center ridge of the track will have a rail that acts as one pole of the motor. A U-shaped fork suspended over the rail acts as the other pole.

The Aerotrain Company, which is supported by Government agencies and a number of private concerns, has directed its promo-

tion toward the problem of high-speed interurban and suburban transportation, especially city-to-airport travel.

Meanwhile, the state railroad system has begun a big publicity program describing its efforts to speed and modernize its services. The system claims a world locomotive speed record of 195 miles an hour; it is building a pair of engines that it hopes will be able to top that.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 710, H.R. 7819, the unfinished business.

The PRESIDING OFFICER (Mr. SPONG in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR, PRESIDENTIAL RESPONSIBILITY, AND DISSENT

Mr. MONRONEY. Mr. President, 26 years ago, at almost this same hour, I sat in the Chamber of the House of Representatives, and cast a vote on the most crucial issue of the time—the declaration of war against Japan following the despicable and treacherous attack on Pearl Harbor of December 7.

I remember the shock that was present in America with our fleet in flames or sinking in Pearl Harbor, with our airplanes in ruins. But our men were undergoing—thank heaven for the foresight—the training that was so necessary to build up our strength to counter the dangers that we saw ahead not only on our own continent but also in a faraway continent. A few days later we declared war on Germany. And World War II was on.

A great deal of discussion and dissension, particularly through the period from October to Pearl Harbor Day preceded our entry into the war. I remember another day in the House of Representatives when Senator GORE and I and many of our colleagues in the Senate, who were then Members of the House of Representatives, cast votes on another critical issue—perhaps the most important that we have ever faced during our service here.

People were dissatisfied because a war was going on far away in the cockpit of Western civilization in Western Europe. Japan was allied in that war with Germany.

Entering that war would have necessitated our going far away from our shores to fight. Our troops had been called up and had been trained by that great leader, George C. Marshall, and by Members of Congress who foresaw the danger and who had enacted the Draft Act.

But the Draft Act was to expire in a very few days, near the end of October. Great dissatisfaction existed among those individuals who were draftable and were about to be called up; the furor over draft cards and local selective service boards. I remember the concern of the mothers and fathers, and of wives; people who saw no necessity for our country to interfere with their private lives and personal ambitions and to cause members of their families to spend so much time away from home preparing for a war that meant nothing to us—in their opinion.

There were a million men who had been called up and trained by leaders whom Gen. George C. Marshall had picked out when he was a brigadier general. In a little black book, General Marshall had written down the names of captains and majors, men like Captain Bradley and Major Eisenhower. The names in that little black book were very important to America. These men knew the Articles of War and the necessity for training, the hardships and the pain and suffering that would be necessary to make America strong.

This was all made possible because of the Burke-Wadsworth Act, the Draft Act which was to expire in October.

A movement had been started. I do not remember whether it was by beatniks of the time or by just plain good people who were misjudging the flames that were then lashing across Europe and, unknown to us, were also spreading across the world.

"Ohio" was the name of the movement. The movement was publicized in every military camp, the initials portrayed on billboards and placards. "Ohio" meant over the hill in October. That meant that the great Army that Gen. George C. Marshall was seeking so tediously and faithfully and excellently to bring together to afford a great protective shield of freedom for America and the world would be disbanded because some people thought that the tempo had risen to too great a height in America. Many Congressmen had become convinced that this sacrifice was unnecessary and that it was unnecessary for these men to be called up for training and caused to devote the greater part of their youth to military life. Before the rollcall on that occasion, that great man, Representative Wadsworth, pleaded for the extension of the Burke-Wadsworth Act. That act had not come from the War Department at that time. It had come from Congress. It had come from Representative Wadsworth, who had also been a Senator, and Senator Burke. They introduced that bill. The issue was whether to maintain this great force, the mightiest the world has ever seen.

Silence fell over the House Chamber as the roll was called.

So, we voted on whether we would discontinue the draft and end that period of great preparedness, unaware of the great need for strength that was about to ensue. Little did we know that on December 7 we would be stricken in the Pacific by a mighty, sneaky, despicable, and treacherous blow aimed at incapacitating us and thus rendering us unable to assist our great friends and allies battling for democracies already facing the greatest of trials and tribulations.

This was the time when Churchill said:

> We shall not flag or fail. We shall fight in France, we shall fight on the seas and oceans, we shall fight with growing confidence and growing strength in the air, we shall defend our land, whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills; we shall never surrender.

As history will show, after the tally had been counted, we had voted to continue our great Army by a majority of one vote. I voted to extend the Draft Act because a country as great as ours cannot dare to overlook dangers that threaten it around the world.

World War II was not to hit our shores. However, for awhile, as of 26 years ago this morning, Americans were afraid that California would be bombed.

Japanese subs were reported sighted off the coast of California. There was fear that the Nisei—who proved to be most loyal to the Nation—would take over the western part of the State, or that an attack would be made on Alaska.

The shock wave did not occur in this country to the extent it might had we followed those who were complacent, those who I feel were shortsighted, who felt that they were making an unnecessary personal sacrifice of their lives by training for military strength.

I merely cite this, Mr. President, to

indicate that all strong Presidents have had great difficulty in times of grave danger to this Nation, whether it be on our own shores or far away, across the Atlantic or Pacific. Franklin Delano Roosevelt, the great Commander in Chief that he was, met that challenge with the speech he made in person for the declaration of war against Japan.

Now we find another strong President in the White House—farsighted, I believe—supported by many of us in the Senate, who sees the conflagration that is spreading on the largest and most populous continent, Asia; where smaller nations face the threat of being overrun by a crude totalitarian regime far more vicious than the Russian Communists ever dreamed of being. This whole continent with a billion and a half people could, within a very few months, at most, be subject to the great power of Red China, if today we did not hold the gateway in Vietnam, as our brave men are doing in company with the South Vietnamese, the South Koreans, and the troops from other nations.

I take this occasion to say that it is not unusual to find a difference of opinion when the war is far away or when the doubt and the worry are far away.

For that reason, I believe this is a significant day to recall—the event of 26 years ago this morning, when we declared war, after an attack on us and the destruction of our vital base at Pearl Harbor, and the loss of islands that were already under siege in the Pacific.

President Roosevelt faced this situation. He faced the difficulties, the pain, the dissatisfaction, and the picketing—and the burning of draft cards.

There was another time, another war when I received letters from the wives of men in the military, including even the brave and dedicated wives of the great 45th Division of the Oklahoma National Guard. In these letters, they asked that their husbands be sent home, and they wrote in protest against their husbands being sent to faraway Japan, to Hokkaido, in the northern islands. There we had a final training base for this great division of World War II, which had been reorganized, refitted, and staffed with many new soldiers and officers.

The protest against President Truman was equally great, and I almost despaired of my job in answering that vast pile of letters. It was most distressing to try to explain to them why their husbands should be stationed in far off Hokkaido, where the weather was cold and frigid, because of our participation in a war in the Pacific in which they felt we should have no part.

I remember that there was no declaration of war with respect to Korea. I remember the difficulties that President Truman had, and I remember the great speeches he made. I remember his great caution against spreading the war, and his restraint upon General MacArthur. I remember the great landings at Inchon with our marines, and I remember when they moved to slice through the forces of Red Communists. The Red North Vietnamese fully support the Red Vietcong today, by munitions and implements of war and with labor forces, much the same way the Chinese aided the North Koreans. Then, also, I heard, as did other Members of the Senate who remember that period, that this is not our war, that we should have no part of it.

This, President Truman insisted, was a method of keeping greater wars from occurring. I remember his restraint when he refused to bomb across the Yalu. I remember his worry when General MacArthur, I believe I can say, without the endorsement of the high command, fought to the Yalu, and the Red Chinese came with their millions of men and with their coolies bearing supplies. The supplies came down those trails at night, borne by the coolies who brought the munitions necessary for the Red Chinese forces and the North Korean forces to fight and to give our troops, brave and well equipped though they were, one of the hardest periods of fighting and the largest amount of casualties every experienced in a war of that size.

President Truman was faced with the problem of the growing casualty toll. The newspapers were not privileged at that time to print all the strategy of the war. We did not have television covering only the distressing side of the war and none of the other, because television was not at the frontline in those days; so its effect on morale was minor as compared with today, when the living dynamic action of television brings into our homes the suffering of the wounded. Obviously, television cannot cover the other side, because that is controlled by a totalitarian government.

But, again, dissatisfaction resulted. And a presidential campaign was waged, not over whether we should be in the war, or who got us in it, or were we fighting it in the right way, but as to what we were doing in the Pacific in the first place.

I recall even back to the time when President Woodrow Wilson called out the National Guard and the Reserves because of a man named Villa, a Mexican bandit, but in some way a sort of hero to the Mexican peons, as the Vietcong are heroes to many people in the villages of Vietnam. The raids across the border cost a great many lives, but the President did not declare war. Our marines landed at Vera Cruz; our troops remained mustered for a long period of time to guard the border; and Woodrow Wilson was criticized because there was not a declaration of war. He did not start or expand the war; he was trying to prevent a bigger war.

I am sure some of the historians in the Senate can recall incidents of the Spanish-American War, when the President then was accused of extraordinary activities not in keeping with our own best interests. At that time we liberated Cuba for what we believed to be the revolutionists who were fighting for freedom from Spain. As a result of that war, the Philippines came under our trusteeship. But we gave back to them their own government made them free. Now, as a result of America's interest in freedom around the world, they can control their personal activities, their lives, and their ideals, without foreign oppression and colonization.

So, Mr. President, there is ample evidence that in every war our people have been divided as to whether we should or should not be there, even during the darkest days of the Civil War. Thereover, the draft riots in New York, the difficulties that Lincoln experienced within his own Capital because it was not free of the southern adherents and was not free of the spying and the espionage and the other tragic things that happen even to the Capital City. If I recall my history correctly, Lincoln had to sit in the baggage car of the train as it went through the city of Baltimore, for fear of riots.

Mr. President, I remember a loss of life that was many times greater than any loss suffered in riots in New York and in our metropolitan areas, in protest against what was thought to be unnecessary military activity and against the drafting of men. I do not blame them for protesting against the draft because at that time one could buy his way out of a draft by paying for a stand-in.

Lincoln had his troubles then and now when his great shrine is desecrated by beatniks and hippies, and bearded persons burning draft cards, insulting marshals, defiling our shrines, and parading with Communist associates.

This is happening at the Lincoln shrine in our day and age—that very shrine where there is engraved those great words of the second inaugural address during the darker days of the presidency of Lincoln. Those words are in part:

> Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. President, one can go back even further into our past to trials and tribulations of George Washington. In those days there were certain large cities in which he would dare not spend the night because they were overrun by Tories. Many first families of Virginia and Massachusetts opposed in the same way the raising of revolutionary armies and the sacrifices necessary to carry on the war that gave us the birth of independence.

Today we hear cries not dissimilar from those of the past, as we fight not only for South Vietnam and its 12 million people, but to hold a continent with one and a half billion people; we fight to preserve their right of self-choice of their form of government, their right to worship as they please, their right to work as they please, their right to walk erect in this world standing straight as God intended man to walk.

As tragic as it is—there have been more than 14,000 deaths there in 6 years—these men have not died in vain.

Some military men say they see a turning point in the war. General Bradley, one of the greatest of them all, recently went there, with Mrs. Bradley, not to stay in Saigon, but to visit troops in the swamps and jungles. Mrs. Bradley is a great lady. She interviewed almost every young GI she met. She had a tape recorder and she would get the names and addresses of American soldiers, and

when she came back she looked up the families of many of these boys and she has written to others.

The other day she related that they were up quite near the front with one of these jungle detachments, visiting and listening to these men. General Bradley related that in his opinion it is the noncoms who really run the Army. He was the GI general. He asked them how the war is going, and one of them replied, "Well, General, 3 months ago in this same area if we had to go out, we had to go out in company strength. Today we go out in squad strength." Think that over. This is the word of one of the greatest generals of World War II, the GI general, talking to the GI's in the field, learning their reactions and believing these men know why they are there, that they know what they are fighting for, and they believe they are fighting in the right war, in the right place, and in the right time.

Mr. President, Mrs. Bradley talked to a mother of one of these boys on her return. This mother said, "Do you mean to tell me you shook hands with my son?" Mrs. Bradley said, "Indeed, I did. I talked to him and I shook hands with him." The mother of the GI said, "How did you dare go up there where there was such great danger?" Mrs. Bradley replied, "I dared to go there because I was safe because your son made it that way."

Mr. President, this is a confused time, but as we face these historic dates, December 7 and December 8, it is good to reflect on our history and realize that every President in wartime had difficult days.

People around the world have freedom, and liberty, and the right to determine their way of living because our boys went out, far away from our shores, when danger was threatening to such a degree that it would eventually come to the Western Hemisphere and involve us all if not in our homes, off our shores in the Caribbean, in Central America, and Latin America.

I think we have to be realistic, and I do not think that any amount of table pounding by opponents, arguing with the Secretary of State over television, is going to undermine the support of the American people of this war, because they feel we are the only power that can fight and prevent the takeover of the entire continent of Asia.

We have seen the result in Indonesia. We know about President Suharto and his clique of officers in the nation with the seventh largest population, and their effort to wrest domination and control from the Chinese Communists.

This is a byproduct of our determination, of President Johnson's determination, of President Kennedy's determination; to try to preserve the freedom of the South Vietnamese people, not just those for whom we immediately fight, but those who will be hopeless slaves of a totalitarian system if we pull out. I know there are reasons for differences. I know there are things that many who are not militarily trained might be suspicious of. The way we are fighting the war differs from any other.

However, Mr. President, I am willing to trust the great generals and military officers who come up through our Academies at West Point, Annapolis, and Colorado Springs, and the Marine Corps in Quantico. They know their business. I cannot second guess them from a Senate seat and I shall not do so. I intend, as I have in the past, to lend my support to a military action that I think is necessary. The Pacific is important. The Continent of Asia is important. The Philippine Islands are important. I think that the new governments of Asia struggling to find their way in democracy, with many problems, are important, because the world is shrinking. With the SST it will be but a few years before Australia is as close to the United States as Hawaii is; we will move England as near as Boston; and Rio de Janeiro will be as near as Mexico City; Capetown, Africa, will be as near as Newfoundland or London. With a shrinking world comes greater responsibility.

I am grateful for the fact that we have a strong President. The President has again demonstrated his understanding of our posture in the world, following the resignation of our great Secretary of Defense. After 7 arduous years of service of vital importance to our security and world security, Secretary McNamara will now go to the World Bank.

I am dismayed that some writers of the press would portray his leaving as a surrender to hawks when actually no such conclusion is justified. The departure of a great Secretary to a job he is entitled to and wanted does not support such fiction.

Mr. President, I was once a "legman," to use a newspaper term. I was never employed on the desk, as an editor, but I learned as a reporter that one had to find the facts, one had to do some reading and checking before he wrote anything worth a two-column headline. In some of the great newspapers in this Nation, some stories are written which do not have authority. Thus, I am ashamed of those in my profession who without any authority, except their crystal balls, write stories that discredit our Nation's leaders. That still seems to be the rule with some of our columnists with well-known bylines. No matter what their authority is, they get the stuff printed. I remember, as a legman, unless I was prepared to turn in a story I could authenticate, it would not be accepted. The managing editor would say, "Where is your data? Where is your information? Have you got a real lead you can depend on?"

So I say, with the beginning of a new year soon to come, I am hoping, as President Lincoln said in his second inaugural:

> Let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. HOLLAND. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. HOLLAND. I wish to express to the Senator from Oklahoma my very great appreciation for his eloquent, inspiring, and wholly patriotic address.

I wish that all Americans could have heard it. It would have helped them to have heard it.

Mr. MONRONEY. I thank the distinguished Senator from Florida for his most complimentary statement.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 493

Mr. THURMOND. Mr. President, I call up my amendment No. 493 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 87, beginning with line 14, strike out down through line 5 on page 97, as follows:

COMPREHENSIVE EDUCATIONAL PLANNING

SEC. 147. (a) Title V of the Elementary and Secondary Education Act of 1965 is further amended by adding "AND FOR STATEWIDE EDUCATIONAL PLANNING" to its heading and by inserting the following immediately below its heading:

"PART A—GRANTS FOR STRENGTHENING LEADERSHIP RESOURCES OF STATE EDUCATIONAL AGENCIES"

(b) Title V of such Act is further amended by striking out the words "this title" wherever they appear and inserting in lieu thereof "this part", and by adding at the end thereof the following new part:

"PART B—GRANTS FOR COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

"AUTHORIZATION

"SEC. 521. To the end of enhancing the capability of the several States to make effective progress, through comprehensive and continuing planning, toward the achievement of opportunities for high-quality education for all segments of the population throughout the State, the Commissioner is authorized to make, in accordance with the provisions of this part, comprehensive planning and evaluation grants to States that have submitted, and had approved by the Commissioner, an application pursuant to section 523, and special project grants, related to the purposes of this part, pursuant to section 524. For the purpose of making such grants, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1968, $20,000,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years.

"APPORTIONMENT AMONG THE STATES

"SEC. 522. (a)(1) From the sums appropriated for carrying out this part for each

fiscal year, 25 per centum shall be reserved for the purposes of section 524 and the remaining 75 per centum shall be available for grants to States under section 523.

"(2) The Commissioner shall apportion not in excess of 2 per centum of the amount available for grants under section 523 among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for carrying out the purposes of this part. The remainder of such amount shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of the preceding sentence, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The amount apportioned under this section to any State for the fiscal year ending June 30, 1968, shall be available for obligation for grants pursuant to applications approved during that year and the succeeding fiscal year.

"(c) The amount of any State's apportionment for any fiscal year under paragraph (2) of subsection (a) which the Commissioner determines will not be required for grants to that State under section 523 during the period for which such apportionment is available may from time to time be reapportioned by the Commissioner to other States, according to their respective needs, as the Commissioner may determine. Any amount so reapportioned to a State from funds appropriated for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

"COMPREHENSIVE PLANNING GRANTS

"SEC. 523. (a)(1) Any State desiring to receive a grant or grants under this section from its apportionment under section 522 for any fiscal year shall designate or establish a single State agency or office (hereafter in this part referred to as the State educational planning agency) as the sole agency for carrying out or supervising the carrying out of a comprehensive statewide program of systematic planning and evaluation relating to education at all levels (including remedial education and retraining of adults), except that—

"(A) the field of higher education shall be included only if the State so elects and so provides in an application (or amended or supplemental application) under this section, and

"(B) in the event of such election the State may designate or establish a separate State agency (hereafter in this part referred to as the State higher education planning agency) for carrying out or supervising the carrying out of such planning and evaluation program with respect to higher education.

"(2) A grant to a State may be made under this section only upon approval of an application submitted to the Commissioner through the State educational planning agency, except that, with respect to States electing to include the field of higher education as provided in clause (A) of paragraph (1) of this subsection and designating or establishing a State higher education planning agency as provided in clause (B) of paragraph (1), the Commissioner, by or pursuant to regulation—

"(A) shall authorize the submission of a combined application which includes higher education (or an amended or supplemental application filed upon the making of such election) jointly through both of the State's planning agencies involved, or the submission of a separate application (or supplement) through the State's higher educational planning agency as to so much of the State's program as relates to planning and evaluation in the field of higher education, and

"(B) may provide for allocating, between the State's two planning agencies, the amount of any grant or grants under this section from the State's apportionment.

"(3) An applicant (or amendment or supplement thereto) under this section shall set forth, in such detail as the Commissioner deems necessary, the statewide program referred to in paragraph (1) (or, in the case of a separate application or amendment or supplement with respect to the field of higher education, so much of the statewide program as relates to that field), which shall include provision for—

"(A) setting statewide educational goals and establishing priorities among these goals:

"(B) developing through analyses alternative means of achieving these goals, taking into account the resources available and the educational effectiveness of each of the alternatives (including, in the case of higher education, the resources and plans of private institutions in the State bearing upon the State's goals and plans for public higher education);

"(C) planning new programs and improvements in existing programs based on the results of these analyses;

"(D) developing and strengthening the capabilities of the State to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs; and

"(E) developing and maintaining a permanent system for obtaining and collating significant information necessary to the assessment of progress toward the State's educational goals.

"(b) Applications (including amendments and supplements thereto) for grants under this section may be approved by the Commissioner only if the application—

"(1) has been submitted to the chief executive of the State for review and recommendations;

"(2) sets forth, if the State has elected to include the field of higher education and has designated or established a separate State higher education planning agency, such arrangements for coordination, between the State's educational planning program in that field and the remaining educational planning program submitted by the State, as will in the Commissioner's judgment be effective;

"(3) contains satisfactory assurance—

"(A) that the assistance provided under this section, together with other available resources, will be so used for the several purposes specified in subparagraphs (A) through (E) of paragraph (3) of subsection (a) of this section as to result in the maximum possible effective progress toward the achievement of a high level of competence with respect to each of them, and

"(B) that assistance under this part will, by the State planning agency involved, be used primarily in strengthening the capabilities of its own planning and evaluation staff or, to the extent that the program is to be carried out under the supervision of that agency by other agencies, the planning and evaluation staffs of such other agencies; but consistently with this objective part of the funds received under a grant under this section may be used, in appropriate circumstances, to employ consultants, or to enter into contracts for special projects with public or private agencies, institutions, or organizations having special competence in the areas of planning or evaluation;

"(4) makes adequate provision (consistent with such criteria as the Commissioner may prescribe) for using funds granted to the applicant under this section, other than funds granted for planning and evaluation in the field of higher education, (A) to make program planning and evaluation services available to local educational agencies, and (B) in the case of such agencies in areas (particularly metropolitan areas) with school populations sufficiently large to warrant their own planning or evaluation staffs, to assist such agencies (financially or through technical assistance, or both) to strengthen their planning and evaluation capabilities and to promote coordinated areawide planning for such areas;

"(5) provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(6) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid under this part to the State (including any such funds paid by the State to agencies, institutions, or organizations referred to in paragraph (4)(B) or paragraph (3) of this subsection); and

"(7) provides for making such reports, in such form and containing such information as the Commissioner may reasonably require (copies of which shall also be sent to the chief executive of the State), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(c) A grant made pursuant to an approval of an application under this section may be used to pay all or part of the cost of activities covered by the approved application and included in such grant, but excluding so much, if any, of such cost as is paid for from grants under part A.

"SPECIAL PROJECTS

"SEC. 524. (a) The sums reserved pursuant to section 522(a)(1) for the purposes of this section shall be used for grants for special projects in accordance with subsection (b) of this section.

"(b) The Commissioner is authorized to make grants to public or private nonprofit agencies, institutions, or organizations, or to make contracts with public or private agencies, institutions, or organizations, for special projects related to the purposes of this part, to be conducted on an interstate, regional, or metropolitan area basis, including projects for such purposes as—

"(1) metropolitan planning in education in areas covering more than one State;

"(2) improvement and expansion in the educational planning of large cities within a State with due regard to the complexities of adequate metropolitan planning in such places;

"(3) comparative and cooperative studies agreed upon between States or metropolitan areas;

"(4) conferences to promote the purposes of this part and involving different States;

"(5) publications of general use to the planning of more effective and efficient educational services, and other activities for dissemination of information related to the purposes of this part.

"PAYMENTS

"SEC. 525. Payments under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I should like to make a unanimous-consent request to the effect that there be a 40-minute limitation on the pending amendment, and a 1-hour limitation on the following amendment to be offered by the distinguished Senator from South Carolina [Mr. THURMOND], the time on both amendments to be equally divided

between the Senator from South Carolina and the Senator from Oregon [Mr. MORSE], the Senator in charge of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. THURMOND. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, on November 28, 1967, I received a letter from the Council of Chief State School Officers, the first paragraph of which reads as follows:

DEAR SENATOR THURMOND: This is to urge you to enact HR 7819, with Title III as in the House version, and with new Part B of Title V removed in the Senate as it was in the House. These are the positions of this Council.

Mr. President, this council is composed of the State superintendents of education throughout the United States. I wish to say that in the two amendments I shall offer I am trying to carry out the wishes of the chief State school officers of the Nation.

The effect of this amendment to the Elementary and Secondary Education Act would be to eliminate in its entirety part B of title V of H.R. 7819 as reported by the Committee on Labor and Public Welfare. The version of this bill passed by the House of Representatives does not include part B of title V, and I believe the Senate should likewise delete this portion of the bill.

Part B authorizes $15 million to be used in grants to strengthen the statewide planning capabilities of the State departments of education. Seventy-five percent of the funds are to be used in grants to the State agencies, subject to the approval of the Commissioner of Education, and 25 percent of the funds in grants directly to public and nonprofit, private agencies, bypassing the State agencies.

In my judgment, this portion of this bill would not serve to strengthen statewide planning, as is the apparent intention, but would serve primarily to increase the influence of the Commissioner of Education in the development of long range educational goals, a task which should properly be the prerogative of the States. The recent inquiry from the Council of Chief State School Officers concerning the new part B produced the following response: Thirty-seven of the chief State school officers replied to a question asking their opinion on the Federal requirements of new part B. Only three favored these provisions. Thirty-three favored the current title V, and one had no opinion.

It is apparent to me that the individuals who are primarily responsible for planning the educational goals for our children in the States are concerned that the new part B is not a satisfactory approach. Let me read to you from the supplemental statement ESEA Amendments of 1967—S. 1125–H.R. 7819—of the Council of Chief State School Officers as requested by Chairman WAYNE MORSE, Senate Subcommittee on Education during testimony on behalf of the council July 26, 1967:

Secretary Gardner devoted part of his statement before the Senate Subcommittee on Education to support of a proposed amendment to ESEA Title V designated as Part B. It was included in both S. 1125 and H.R. 7819 as originally introduced, but was eliminated in the version of H.R. 7819 now pending in the Senate.

The chief state school officers have no differences of opinion concerning the needs for educational planning and evaluation. They understand the importance of these, and in their own way plan and evaluate far more than one would imply from Secretary Gardner's testimony. They can and do agree with many of the educational objectives and ideals expressed so well by the Secretary, but they differ on methods of achieving them. The methods prescribed in Part B would impose the most extreme federal controls over state and local educational agencies accepting federal funds that have been proposed by the U.S. Office of Education.

Part B would authorize 15 million dollars of Title V funds to impose statewide and essentially nationwide uniformity in planning and evaluation as spelled out in detail in S. 1125. It would be administered by the U.S. Office of Education, and would enable that agency to narrow state and local freedom in education even further through enforceable regulations. The Office of Education would itself use 25% of the funds for special projects of its own, with authority to make grants to public and nonprofit agencies and to make contracts with public agencies or private institutions and organizations for authorized services.

Part B would add nothing in terms of authorizations to the states to Section 503(a) of the current Title V law. The U.S. Commissioner can approve any State plan for the planning and evaluation of elementary and secondary education under Section 503 (a) that can be devised under the proposed new Part B. Even a statewide PPBC system based on a Pentagon prototype used to select war weapons could be installed by any state that judged it to be of value.

We urgently request that the Senate concur with the Title V proposal pending before it in H.R. 7819. Title V has been extremely helpful to the state educational agencies in meeting their exceptional obligations for the administration of federal-state educational programs. Part B would detract from the major function of Title V, which is to strengthen State departments of education, by diverting funds to other purposes. The imposition of the federal controls of Part B and the new direct operations of the U.S. Office of Education with other public and with private agencies in this field would weaken rather than strengthen State departments of education.

We hope the issues dealt with here will be considered in the broad perspective of the appropriate roles of the federal and state governments in education. There is nationwide concern about these issues, which have been dealt with in considerable detail by panels of chief state school officers in testimony before the Senate Subcommittee on Education.

In my judgment, these gentleman who compose the chief State school officers are wise in their opposition to these provisions. The apparent intend of the Department of Health, Education, and Welfare in recommending part B is twofold.

First, to attempt to standardize methods of evaluating the success of educational programs. Secretary Gardner apparently hopes to be able to measure these programs by developing so-called objective quantifications and mechanical evaluations for programs which can only be truly measured in terms which do not lend themselves to statistical analysis. Personal qualities and attributes which are important to the learning process, such as cooperation with others, friendliness, ethical practices, and good citizenship, cannot be reduced to statistics effectively.

The results of such evaluation would be misleading and of questionable value. The attempt to evaluate educational programs in such a manner might well adversely affect educators by encouraging them to structure their classroom activities in such a manner that they could be reduced to statistics. I believe this would be harmful to children who are in such programs.

There is also an intent not only to quantify this evaluation but also to standardize methods of evaluation among the different States. This is no more or less than an attempt to impose uniformity on a nationwide scale.

My next objection to this provision is one which has long been of great concern to me. I believe education should be under State and local control. I believe the setting of goals and methods of reaching them should be done on the State and local level, close to the people. It has recently come to my attention that the platforms of both major political parties have contained language expressing support for local control of education from 1944 through 1964. This is an important cornerstone in our constitutional structure.

Twenty-five percent of the money authorized in the new part B goes to the Commissioner to be used for grants directly to public or private nonprofit agencies. These agencies do not need to be in any way connected with the State departments of education, or even with local school districts. The plans and studies developing educational goals and devising means of achieving them would be completely bypassing the State and local governments.

These grants can be used by the Commissioner for private organizations to report on local district operations under the supervision of the Commissioner of Education rather than either the State departments of education or local school districts.

The grants which are made to the State agencies are subject to the most thorough scrutiny of the Commissioner of Education. If the Commissioner believes that certain methods suggested by an agency report are inadequate, he is empowered to make value judgments as to what alternatives the State should be choosing. If the plans, and the programs, and the policies submitted to the Commissioner for approval are not satisfactory, he can refuse to make the grant.

I believe the States should set educational goals, should plan ahead to meet educational problems before they arise; but I do not feel that it is necessary or desirable that the Federal Government through the Commissioner of Education be this closely associated with that planning. It will lessen the control of the

people over education, and it will lessen the control of the elected officials over education. It will encourage uniformity in our educational process when diversity has been a strength. It will lessen the ability of the States to fit the solution to the problem where the problem is unique or different from those in other States. It will discourage planning by the States in those areas where the Commissioner has already made a prior grant to another agency.

For these reasons, Mr. President, I urge that this amendment be adopted and part B deleted from this bill.

I reserve the balance of my time.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from South Carolina has 8 minutes remaining.

Who yields time?

TITLE V-B—COMPREHENSIVE PLANNING

Mr. MORSE. Mr. President, I yield myself such time as I may need.

The amendment offered by the Senator from South Carolina would strike out the comprehensive planning program. The committee amendment would add a new part B to title V of the Elementary and Secondary Education Act of 1965. I consider the amendment essential as an integral part of a carefully planned bill.

We who have worked for preserving and strengthening the ability of the States to administer new programs in the most effective manner believe this proposal holds great promise for the future. Through title V-B funds the State would receive funds for educational planning; funds to develop the ability to assess their State educational needs and to develop programs based on those selfsame needs.

Now we all know that through the years, many of the State educational agencies have found their hands tied because of a lack of funds when it came to employing the necessary personnel to evaluate and assess ongoing State educational programs. We have often received requests from the States for funds to strengthen their staffs and to expand their employment level of planning assistants.

The committee comprehensive planning amendment authorizes grants to the States which would either designate or establish a single State agency to administer statewide planning and evaluation of education programs.

I want to make sure that my concern for the enactment of this committee proposal is understood. My concern rests on the promises inherent in this proposal not only for State educational agencies but also for local educational agencies. The criteria set forth for grant applications under this proposal includes assurances that the statewide planning agency will make its services available to the local educational agencies. State educational agencies must help the local school agencies plan and evaluate their on-going programs to determine the most effective means by which they may serve the people and the community in which they are located. Furthermore, in the case of large metropolitan school districts or crowded urban school systems, the comprehensive planning proposal authorizes either financial or technical assistance to any independent planning or evaluation staffs that these the large districts might have or might desire to establish.

This assistance could be used to strengthen the planning and evaluation capabilities of these independent staffs and to promote coordinated areawide educational planning.

The Senator from South Carolina proposes to do away with the comprehensive planning proposal. The Senator from South Carolina would argue that to help local educational agencies and to help State agencies to evaluate themselves and to lift themselves up by their own bootstraps to higher educational goals and the resultant better quality programs is a waste.

I say to you at this time, that any funds which will help the American educational system plan for the future, plan for the future service of school children, is certainly not a waste. Waste comes in when the local school officials and the State school officials are forced simply to react against developments such as population increases and bursts of knowledge coming from technological discoveries; waste occurs when temporary facilities and teachers have to be employed in stopgap emergency programs to fill educational needs which were in the making at least 5 years before the crisis occurred.

Waste occurs when a generation of young Americans miss the opportunity to get the best education available at any given time.

I will not support an amendment to tie the hands of State educational agencies and local educational agencies in assessing the educational programs of their States.

I will not support efforts to refuse funds for planning for the future of our schoolchildren and ultimately for the Nation. I urge the defeat of all efforts to strike out the comprehensive planning program, and therefore I shall strongly urge the defeat of the amendment of the Senator from South Carolina.

May I suggest that Senators turn to page 135 of the hearings. I wish to read the analysis of title V, the section to which this amendment pertains. I am going to put into the RECORD what the hearings show as the basis for the support; which the committee gave to comprehensive education planning funding. The insert starts on page 133 of the hearings, and runs over to "Part E," on page 135 of the hearings.

I ask unanimous consent that that part of the hearings be printed in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SUBPART 2—ADDITION OF NEW PART RELATING TO PLANNING GRANTS

SECTION 145. COMPREHENSIVE EDUCATIONAL PLANNING

This section would amend title V of the Elementary and Secondary Education Act of 1965 to make the existing sections of that title part A—headed "Grants for Strengthening Leadership Resources of State Educational Agencies"—and to add a new part B headed "Grants for Comprehensive Educational Planning and Evaluation."

Section 521 of the new part B would authorize the Commissioner of Education to make grants to the States for comprehensive planning evaluation programs in accordance with section 523 and special projects pursuant to section 524, to the end of enhancing the capability of the several States to make effective progress, through comprehensive and continuing planning, toward the achievement of opportunities for high quality education for all segments of the population throughout the State. Neither the local schools nor the States have the resources to extend local coordination of State and Federal aid and short-ranged planning to a long-range project of statewide planning and coordination. For this purpose, $15 million would be authorized for fiscal year 1968 and such sums as may be necessary for each of the next 4 fiscal years.

Section 522 of the new part would reserve 25 percent of the sums appropriated for carrying out this part for special projects under section 524. Of the remaining 75 percent, which would be available for grants to States under section 523, the Commissioner would apportion not in excess of 2 percent among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The remainder would be apportioned as follows: 40 percent would be apportioned among the States in equal amounts, and 60 percent would be apportioned among the States in proportion to their relative populations. This section would provide that a State's apportionment for fiscal year 1968 would be available for obligation through fiscal year 1969 and would provide that the Commissioner may reapportion to other States sums which he determines will not be required, during the period of their availability, for grants to the State to which they were originally apportioned.

Section 523(a) of the new part is designed to assist in developing statewide coordination in comprehensive planning so as to eliminate duplication and to attain maximum efficiency. The new section would provide that a State applying for a grant out of its apportionment under section 522 must designate or establish a single State agency for carrying out or supervising the carrying out of a comprehensive statewide program of systematic planning and evaluation relating to education at all levels (including remedial education and retraining of adults), except that the field of higher education would be included only if the State so elects, and that a separate State agency may, in that event, be designated or established for carrying out or supervising the carrying out of such planning and evaluation program with respect to higher education. If the State does include higher education and decides to make a separate State agency responsible for carrying out, or supervising the carrying out, of higher education planning, either combined or separate applications may be submitted from the two agencies, and the Commissioner could allocate a State's apportionment between the two planning agencies.

An application for a statewide program of planning and evaluation would include provision for setting and establishing priorities among educational goals for the State, developing through analyses alternative means of achieving these goals, taking into account the resources available and the educational effectiveness of each of the alternatives, planning new programs and improvements in existing programs based on the results of these analyses, developing and strengthening the capabilities of the State to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs, and developing and maintaining a permanent system for obtaining and collating significant information necessary to the assessment of progress toward the State's educational

goals. (The application must contain satisfactory assurance that assistance under this section, together with other available resources, would be so used as to result in the maximum possible effective progress toward the achievement of a high level of competence with respect to each of these purposes.)

Section 523(b) of the new part would provide that the Commissioner may approve an application only if it has been submitted to the chief executive of the State for review and recommendations; if it has set forth arrangements, where the State has designated a separate State higher education planning agency, for coordination with the rest of the State's educational planning program; and if it does contain satisfactory assurance that the assistance provided under this section would be used primarily in strengthening the capabilities of the planning and evaluation staff of the State planning agency involved, or agencies carrying out parts of the program under the supervision of that agency. (Part of the funds would be used by the State's planning agency or agencies involved, to employ consultants or to enter into contracts for special projects with public or private agencies, institutions, or organizations having special competence in the areas of planning and evaluation.) The application would also make adequate provision for using funds (other than funds granted for higher education planning) to make program planning and evaluation services available to local educational agencies and, in the case of local educational agencies in areas, particularly metropolitan areas, with school populations sufficiently large to warrant their own planning or evaluation staffs, to assist (financially or through technical assistance) such agencies to strengthen their planning and evaluation capabilities and to promote coordinated areawide planning for such areas.

Section 524 would authorize the Commissioner of Education to make grants to public or private nonprofit agencies, institutions, or organizations, or to make contracts with public or private agencies, institutions, or organizations, for special projects related to the purposes of part B, to be conducted on an interstate, regional, or metropolitan area basis. Examples of such projects include educational planning in metropolitan areas covering more than one State or large cities within a State with due regard to the complexities of adequate metropolitan planning, comparative and cooperative studies agreed upon between States or metropolitan areas, conferences involving different States and publications of general use to the planning of more effective and efficient educational services and other activities for the dissemination of information related to the purposes of this part. This section is intended to make possible coordinated comprehensive planning in areas in which two or more States are involved yet in which no particular State has final responsibility. It would also enable States to develop regional comprehensive plans whenever they were so disposed.

Section 525 of this part would authorize payments in installments, and in advance or by way of reimbursement, with necessary adjustments.

If the evaluation and planning of education programs is to be effective, it must be carried out close to the people to be served by those programs. The American system of education is founded on the principle of State and local control. The responsibility for educational planning, therefore, rests at the State and local levels. State educational agencies now set standards for our schools and qualifications for our teachers. Local schools are directly responsible to local school boards. The best planning—that which will be most responsive to the needs of the persons to be served—must be carried out at the State and local levels.

If State and local educational agencies are to continue to carry out their present role in educational planning and if the administration of Federal educational programs is to reflect the intent of Congress, the Federal Government must share some of the burden placed on those agencies. This can be done by assisting them in developing comprehensive systems of planning and evaluation which will aid them in meeting educational goals at all levels of education, from preschool programs through postgraduate education.

Mr. MORSE. Mr. President, I shall read this one portion of it:

If the evaluation and planning of education programs is to be effective, it must be carried out close to the people to be served by those programs. The American system of education is founded on the principle of State and local control. The responsibility for educational planning, therefore, rests at the State and local levels. State educational agencies now set standards for our schools and qualifications for our teachers. Local schools are directly responsible to local school boards. The best planning—that which will be most responsive to the needs of the persons to be served—must be carried out at the State and local levels.

If State and local educational agencies are to continue to carry out their present role in educational planning and if the administration of Federal educational programs is to reflect the intent of Congress, the Federal Government must share some of the burden placed on those agencies. This can be done by assisting them in developing comprehensive systems of planning and evaluation which will aid them in meeting educational goals at all levels of education, from preschool programs through postgraduate education.

I say most respectfully, Mr. President, the argument that this part B of title V in some way interferes with States rights in the field of education just does not square with the facts. We went into this matter in great detail in our committee.

We would be providing money to be made available for educational planning. We would not dictate the nature of the planning. We seek to put the responsibility for originating proposals upon the State educational systems.

We have testimony in this record, Mr. President, from educator after educator, including superintendents of great metropolitan schools districts of this country, who point out that they must have some protection by way of assurance of funds to help plan to meet the special educational needs that exist in many of the metropolitan areas of this country. One meets within the States, in this context, a conflict between school districts in the more thinly populated areas and those in the more heavily populated areas but both could profit from this new source of categorical funding. But we are not telling the States what they have to do. We are saying, "In this planning program, we are going to provide funds for you to have available so you can assess and build up your own State educational systems."

Does any Senator deny that planning money is needed? I challenge him to name for me a State in which it is not needed. Take even the best States. Sometimes it is said that one of the very best States, as far as educational programs are concerned, is California; but I can take you into school district after school district in California where title V-B funds are sorely needed to provide planning assistance to school districts. They are the school districts in the State of California that will not have that assistance if we do not have title V-B.

Mr. President, this argument of so-called States rights at this point is a bugaboo argument. We are not seeking to dictate State educational policy. We are seeking to carry out what we see as a Federal responsibility of sharing with the States the cost of development of educational planning, so that they can help themselves.

Mr. President, I shall yield now to the Senator from New York [Mr. JAVITS]. We have 20 minutes on each side. The Senator is the ranking Republican member of the full Committee on Labor and Public Welfare and a valued colleague on the Education Subcommittee. He, together with the distinguished junior Senator from Vermont [Mr. PROUTY] have been my right bowers, may I say, in bringing educational legislation to the Senate. I have told Senators I bring in bipartisan bills. This is one. I yield now to the Republican leader on the full committee to present his point of view.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, I should like to deal with the question from the very pragmatic point of view, but, before I do so, I should like to say to the Senator from Oregon that if anybody in this Chamber ever had any question about the validity of his title to being one of our more distinguished Members, the Senator certainly has laid such questions to rest in the last 8 days.

As ranking minority member of the full committee, I have always worked closely with the Senator from Oregon on educational bills. This time, during the last few days of floor debate, I was locked almost 100 percent in the antipoverty bill conference, with the Senator's consent and approval. He permitted me to divert my efforts to that matter almost exclusively. We will be considering that matter later, so the Senate will have an opportunity to judge whether it was worthwhile.

But the Senator from Oregon stood here like Leonidas at Thermopylae, throwing himself into the breach and dealing with the bill almost single-handedly; and I pay tribute to him.

Mr. President, when WAYNE MORSE has his own bill on the floor he is a very different WAYNE MORSE; he does not assume the freedom of action he normally cherishes so highly. He has an enormous sense of responsibility and trusteeship, and he demonstrates every facet of his skill as a Senator. He has demonstrated the deep integrity which has, time and time again, called forth spontaneously the admiration and applause of the Senate, as well it should.

On the merits, Mr. President, as I said, I shall deal with the planning question from a very pragmatic point of view. The Senator from Oregon has already made clear that planning is an essential tool for local areas, and why it does not conflict with the concept of States rights, with which I am in thorough agreement as it applies to education. We practice it

ardently in New York, and I feel it is deeply incorporated in the pending bill.

The important point is to remember that planning in respect to education is not boondoggling, but is most essential.

Education, Mr. President, is based upon a very long leadtime—perhaps as long a leadtime as we think of in connection with the most highly sophisticated weaponry. Though this is a ghastly comparison, it is nonetheless valid, because in human engineering, education is one of the most complex problems we face.

We have to take account of changing employment patterns and the changing areas in which concentrations of children will require education. We have to take account of the galloping progress in the technology of education—for example, teaching machines, computers, educational television, and others. We have to take account of communications patterns. Later on, I shall be talking about the school bus situation as it relates to education.

It takes years, Mr. President, to train a teacher, not just academically, to give him a degree, but through experience in actually teaching children. Pedagogical methods often make sharp and spectacular advances, but those advances are not accidental. The new mathematics, for example, did not just happen. It was not introduced overnight. It took years of the most careful phased-in planning and gradual introduction to make it work.

Let us not forget that the public often can react violently if any educational change does not proceed according to plan and schedule. When it comes to matters affecting the education of their children, parents easily become hotheaded, and the most carefully laid plans are sometimes torn apart.

In education, Mr. President, because of the years of leadtime required, planning is the most essential ingredient other than the actual relationship between teacher and pupil and the actual housing of the schools and the teaching aids which are involved.

For all those reasons, Mr. President, if we really want, as I know we do, a truly balanced bill, covering the major aspects in the educational field, we should include this provision. I understand Senator THURMOND's deep sincerity on the question of States right and State powers, but I believe we should try to assure him—and if we cannot persuade him, I hope we can persuade at least a majority of Senators—that this has been very, very dear to us and that we have served the principle of States' rights and State authority in education with an almost religious fervor in our committee. I deeply believe that principle is carried out in this section of the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, on July 26, 1967, Dr. Edgar Fuller, executive secretary of the Council of Chief State School Officers, made a statement before Senator MORSE's Subcommittee on Education in which he said this:

> The kind of federal compulsion proposed in the new Part B of Title V raises even more fundamental questions in education. There is grave doubt that such a system would be appropriate for education, in which the input from millions of pupils and teachers involves the quantifying of human characteristics that defy valid and meaningful objective mathematical measurements of this kind. Only isolated aspects of education can be quantified authentically in such terms. Major purposes and objectives of education are as remote from such mass measurements as are such important areas of human concern as beauty, ethics, morals, religion and personal attitudes. Even if authentic judgments of these matters could be made for 45 million pupils by 2 million teachers, the logistics of such an operation would substantially interfere with teaching in the schools.
>
> One may believe that the state and local educational agencies should do all they reasonably can toward comprehensive planning and evaluation and yet be convinced that the state agencies should remain free to develop those systems according to their own needs under the provisions of Title V as passed by the House, rather than by federal prescription as proposed by new Part B in S. 1125. We suggest that the U.S. Office of Education provide leadership services to the states in this field, but that prescriptive power coupled with enforcement through withholding federal funds or through other federal methods of control are highly undesirable.

That is a statement of Edgar Fuller, the executive secretary of the Council of Chief State School Officers of the Nation. This is a group which is composed of the State superintendents of education throughout the Nation.

It seems to me this is a very significant statement, and it should receive great consideration from Members of Congress.

Mr. President, in summary, the purpose of this amendment is to delete part B of title V. Part B appropriates $15,000,000 to be used by the Commissioner for grants first, 75 percent of the funds in grants to State Department of Education planning agencies; and, second, 25 percent in grants directly by the Commissioner to public or nonprofit private agencies for planning and evaluating local educational programs.

There are two main objections to this "new" part B:

First. The provision is intended to set up a uniform nationwide system of measuring the results of educational programs, which do not lend themselves to such statistical evaluation.

Second. The Federal Government, through the Commissioner of Education, increases its ability to control education through discretionary authority to approve or disapprove State planning grants, using his value judgments and through grants for planning and evaluation which could circumvent completely local and State agencies.

I shall not ask for the yeas and nays on the pending amendment. However, I shall ask for the yeas and nays on the second amendment.

The heads of the education departments of this Nation have asked for only two amendments here. It appears to me that what they have asked for is sound and that Congress should give great weight to their wishes in this matter.

Mr. President, unless the other side has something further to say, I am prepared to yield back the remainder of my time.

Mr. MORSE. Mr. President, I have only a brief reply.

Mr. THURMOND. Mr. President, I reserve the remainder of my time.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the statement of Mr. Howe before our committee explaining the amendment from the standpoint of the Department of Education. That is to be found on page 976 and also on pages 2423 and 2429.

That statement sets forth the basis for the amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TITLE III—FEDERAL CONTROL

There are those who express a fear of centralized control of the Nation's diverse educational system by pointing to the present administration of title III as an example of what they believe is encroaching Federal control.

If this were the case, I, too, would share their fears. I cannot, however, accept these interpretations of a dramatic conflict—a conflict which is unfounded in fact and spurred on by rhetoric quite disproportionate to reality.

STRENGTHENING STATE LEADERSHIP ROLE

The U.S. Office of Education and the State department of education share the same goal; that is, to assure every American youth the opportunity for the best education our human and financial resources can command. The U.S. Office of Education and the State departments of education, similarly, share another most important objective—they both seek to strengthen the State leadership role in the educational system.

LOCAL RESPONSIBILITY FOR EDUCATIONAL POLICY

Historically, the State departments have been engaged in distributing State funds for education and in establishing certain educational standards, such as criteria for teacher certification and for high school graduation. The hiring of personnel, the development of programs, and the operation of schools have been carried out largely by local school officials who draw their authority from State legislative delegation of the responsibility for the schools. The major direction of education in the several States has, therefore, been determined by the policies of local school boards. Although this has proven to be a successful administrative arrangement, in view of the fact that the American system is rivaled by none, it has become increasingly apparent that the demands resulting from our changing society requires a more comprehensive approach to the administration of our educational system. There are programs that must be developed with statewide solutions to problems in mind. There are regional and national needs for which model programs must also be developed.

As I have said in my earlier statement before this subcommittee, the Office of Education, at the direction of the Congress, provides funds to strengthen State educational leadership. The provisions of title V of the Elementary and Secondary Education Act which have been in operation for 2 years and the new proposal for comprehensive planning which is designed to contribute further Federal resources to the strengthening of State leadership both have this purpose. So do the administrative moneys set aside in a number of other programs for which the Office of Education is responsible.

* * * * *

SUMMARY

In summary, let me say that I believe that the educators in this country at all levels

are working toward a common goal—the development of the full intellectual capacity of each individual. The Office of Education certainly has no quarrel with the present system of education and its only interest is in strengthening the various elements—local, State, and Federal. I believe that there is a role for the Office; and it goes beyond the writing of checks—which is really a function of the Treasury Department. That role is changing and is certainly different from the role in 1867 when this Office was started. The role of the States and the local educational agencies is also different from that of 100 years ago.

I am not one who views change with alarm, and I expect that the roles of the several layers of government will continue to change in the future. Indeed, I take the view that, since change will occur anyway, we may as well seek to plan it rather than just let it happen to us. While I cannot predict the details of any future change, I am certain that the Office of Education will not become involved in the operation of educational programs—a role which is properly fulfilled by local and State educational agencies at present and one which should continue in the future.

EDUCATION AN OPEN SYSTEM

In essence, I hope that we can continue to develop a national perspective and not to view every change in the Office of Education's role as a threat or encroachment upon someone else's territory or prerogatives. Education is not a closed system in which new responsibilities and roles for one participant automatically reduce the role and status and responsibility of another. It is instead a wide-open and expanding system which calls for new roles to be played by new participants and for growing responsibility for all. The effect of Federal involvement in elementary and secondary education is to increase the capacity of State and local school boards to serve children. They have new alternatives and options because of what the Congress has done for education. Like anyone who has new options, they also have new problems, since Congress has called on them to face the difficult crises of the disadvantaged child by giving them the means to do so. We should not confuse the difficulties which schools face because of their new options with the mistaken notion of growing Federal control.

SECTION 505 COMMENT

The final issue that I would like to discuss with you today is the authorization for section 505 of the Elementary and Secondary Education Act and the administration proposal for comprehensive planning. As I have mentioned before, the various States widely endorse the section 505 concept as the means for providing the necessary authority for interstate project funding and for regional projects. Through the special projects and conferences approved to date, the willingness and desire of State education agencies to cross their territorial boundaries in pursuing solutions to pressing education problems has been unmistakably clear.

The special projects, funded on the basis of a 15-percent set-aside, have launched significant interstate approaches to common educational problems, including personnel administration; comprehensive planning; and urban education. Such projects will encourage the States to gain strength and to learn from each other rather than to exist in isolation.

COMPREHENSIVE PLANNING AMENDMENT

The comprehensive planning amendment is another vital proposal submitted to the Congress this year. There has never been a greater need for educational planning at all levels—local, State, and Federal. This amendment would enable States, local school districts, and metropolitan areas to strengthen their educational planning capabilities.

The comprehensive planning proposal would authorize $15 million, the major portion of which would be allotted to State educational planning agencies. Since the States have proved willing and able to tackle common educational problems under section 505, the new proposal for comprehensive planning includes a set-aside to authorize discretionary support for interstate groupings and interstate projects solely in the areas of planning.

REGIONAL ACTION

The comprehensive planning proposal could support projects on a regional basis similar to the following one funded under section 505:

A project to be administered by the New York State Department of Education will survey the 50 States to identify those interested in, and legally able to, participate in a reciprocity compact for teacher certification. The goal is to have States with appropriate statutory power come to an agreement on common standards for approving teacher education programs. This would establish a new basis for reciprocity whereby a teacher who graduated from any State-approved educational institution could be immediately certified in any one of the cooperating States.

We think that there is a great need for more projects similar to this one. It would be impossible for the States to encourage an increased number of such projects under the House version of title V which eliminates both section 505 and the proposal for comprehensive planning. This deletion of programs would require voluntary and simultaneous agreements and contracts between all participating States if they wish to continue similar projects—at best, a complicated and slow procedure.

Here again, I believe there is an important role for the U.S. Office of Education in utilizing scarce resources to the greatest advantage by application of a national perspective through a simple administrative mechanism. I would, therefore, encourage you to retain the present authority of section 505 and to adopt the comprehensive planning proposals included in S. 1125.

Thank you for the opportunity to reopen the discussion of amendments to the Elementary and Secondary Education Act of 1965. I will be happy to answer any questions that you may have.

Mr. MORSE. Mr. President, let me say, in part reply to the Senator from South Carolina that, of course, we can find some schoolmen—the testimony is in the RECORD—who would like to get funds with those funds being earmarked for planning. However, we have a responsibility as a Congress to see to it that Federal money is wisely spent, for such purposes as we feel to be in the national interest, so long as we do not dictate educational policy.

There is a basic difference between requiring what shall be taught and funding programs of determining what in the best judgment of the competent authority in the teaching profession needs to be taught.

There is a difference between the mandatory act and the optional or permissive act. What we say is that if a State wants to apply for funds for this purpose it should not be precluded from doing so.

The pending bill is full of authorizations for specific projects. When we authorize in the pending bill $1 million the first year, $3 million the second year, and $9 million before the authorization runs out, for institutes to help what I have said before are those most tragic little boys and girls in this country that are both blind and deaf, are we dictating State educational policy?

Mr. President, when we have another authority that seeks to strengthen vocational education in the States at the secondary and postsecondary schools levels, are we dictating State educational policy? Not at all. We are leaving the administration of those programs and projects to the States, but we are affording an opportunity to those States which wish to avail themselves of this source of funding for these purposes.

The Senator cites the testimony of one witness for one organization. Many witnesses testified at our hearings and pointed out that we are not going to give protection to the rural areas in which there has been no planning assistance to those school districts or to the metropolitan areas that I referred to earlier unless we have a comprehensive planning provision.

Fifteen million dollars is involved in the pending bill for authorization for the whole country for the first year.

The record is replete with testimony from school superintendents from some of the rural areas and from some of the metropolitan areas to the effect that they have to have some help in working out the planning program that this section of the bill seeks to provide.

We find on page 976 the testimony that we need this program in order to prevent the crippling in the big cities and the rural areas in the several States of their cooperative ability to meet their aggregate educational needs which call for planning at the State level.

The Federal Government does not do the planning for them. It provides the money for them to do the planning for themselves. That $15 million of the taxpayers' money must be devoted to the problems that we call educational planning, to help the State educational agencies raise their standards and provide greater assistance to the local school districts.

That is the thrust of the whole proposal.

Mr. President, we will be in conference. If we take this proposal out of the bill, we will not have anything in conference. Therefore, I hope the amendment will be rejected.

Mr. President, I ask unanimous consent that the excerpted material from the hearing record to which I have alluded be printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

III

The Congress recognized staffing shortages and other problems occasioned by the rapid growth in responsibility of State departments of education, when it included Title V in the Elementary and Secondary Education Act of 1965. This title authorized grants to State education agencies for projects, programs and activities designed to "make a significant contribution to strengthening the leadership resources . . . or . . . ability to participate in meeting the educational needs of the State." These grants have been used to plan, develop, improve and expand the capability of State educational agencies to identify educational problems and needs; to evaluate edu-

cational programs; to provide support or services for collecting, analyzing and reporting State and local educational data; to disseminate information relating to the overall status of education in the State; and to develop and provide leadership, administrative, or specialist services throughout the State.

During the first year, the States applied for funds to support 1,800 new positions—1,000 of them at the professional level—for their understaffed personnel structures. These new positions have begun to alleviate the personnel needs of State educational agencies.

In addition to the general provision, 15 percent of Title V funds are earmarked for special project grants. Under section 505, grants are made to "State educational agencies to pay part of the cost of experimental projects for developing State leadership or for the establishment of special services which . . . hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States."

Fifteen special projects and 10 special area workshop conferences were funded under the FY 1966 Section 505 allocation. Virtually all the States and territories were involved in varying combination in these special projects.

The States widely endorse the Section 505 concept as providing the necessary authority for utilization of their resources on an interstate basis. Through the special projects and conferences funded to date, the willingness and desire of State education agencies to cross their territorial boundaries in pursuing solutions to pressing education problems has been unmistakably clear.

The special projects have also launched significant interstate approaches to common educational problems, including personnel administration, comprehensive planning, educational information, school district organization, teacher education, information systems, curriculum reform, teacher certification, and urban education.

Indeed, those special projects which dealt with regional cooperative activities among the States were of such high caliber that they led to the proposal for the Comprehensive Planning program which has already been explained by Secretary Gardner.

The willingness of the States to tackle common educational problems indicated a readiness to assume the major role in comprehensive planning. The new proposal would authorize discretionary support for interstate groupings such as the Southern Regional Educational Board, the Compact of the Western States and the New England Board of Higher Education.

It could also support interstate projects similar to the following one funded under Section 505:

A three-year project, administered by Maryland, with Florida, Michigan, South Carolina, Utah, Washington, and West Virginia participating, on Statewide teacher education programs, is designed to strengthen the role of the State agencies in teacher preparation. Joint responsibility between local educational agencies and teacher education institutions will be developed and special emphasis will be given to laboratory experiences in elementary and secondary schools as a part of teacher training.

If States are to gain strength from each other rather than to exist in isolation, we need more projects like this. They will not be developed under the House version of Title V.

In addition, the administration version of Title V would authorize $15 million—most of which would go to State educational planning agencies—to help States aand local school districts strengthen, or initiate educational planning capabilities. Higher education planning could be included at the discretion of the State. A portion of the funds would be allotted at the discretion of the Commissioner to encourage metropolitan and regional planning. In the first year of Title V, States originally requested 25 percent of the funds and 27 percent of their personnel to work in the planning and evaluation areas. However, by the end of the fiscal year, the States had amended their applications to reduce the planning function to 19 percent of the funds and 20 percent of the positions.

For Fiscal Year 1967, the applications have reduced this function still further: less than 18 percent of the funds requested, and 14 percent of the positions budgeted are to be used for planning.

The State departments of education have not lost interest in planning. Far from it. Other concerns were more pressing. In order to secure funds authorized by some 15 pieces of new Federal legislation before the end of the fiscal year, they had to mount new programs immediately. There were other pressures as well. Local education agencies had urgent needs for the improvement of instruction. The State agency had to improve its general administrative capacity. Capacity to deal with the masses of educational data emanating from all sources had to be developed.

The growing responsibilities thrust on them by the growing Federal programs of aid to education require all their existing resources, and more. They cannot afford to plan. Yet, they cannot afford not to.

The House-passed bill would eliminate both this new proposal and Section 505 of ESEA, thereby, crippling the big cities, rural areas, and the several States in their cooperative ability to meet their aggregate educational needs.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the Senator apparently believes that my amendment——

Mr. MORSE. Mr. President, will the Senator yield while I ask for the yeas and nays on the pending amendment?

Mr. THURMOND. I was going to accept a voice vote.

Mr. MORSE. The manager of the bill wants a yea-and-nay vote.

Mr. THURMOND. I yield.

Mr. MORSE. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were not ordered.

CALL OF THE ROLL

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. I ask unanimous consent that the time not run against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. THURMOND. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll, and the following Senators answered to their names:

[No. 379 Leg.]

Aiken	Hart	Pearson
Boggs	Hill	Pell
Brooke	Javits	Russell
Byrd, Va.	Kennedy, Mass.	Sparkman
Byrd, W. Va.	Kuchel	Spong
Carlson	Lausche	Stennis
Case	Mansfield	Symington
Clark	Metcalf	Thurmond
Cooper	Montoya	Williams, N.J.
Fannin	Morse	Williams, Del.
Harris	Mundt	Yarborough

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] are absent on official business.

I also announce that the Senator from Maine [Mr. MUSKIE], and the Senator from Minnesota [Mr. MCCARTHY] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Illinois [Mr. DIRKSEN], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from California [Mr. MURPHY] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent because of death in his family.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Anderson	Gore	McIntyre
Baker	Griffin	Miller
Bartlett	Gruening	Mondale
Bayh	Hansen	Monroney
Bible	Hartke	Morton
Brewster	Hatfield	Nelson
Burdick	Hayden	Pastore
Cannon	Hickenlooper	Percy
Church	Holland	Proxmire
Cotton	Jackson	Randolph
Curtis	Jordan, N.C.	Smathers
Dodd	Kennedy, N.Y.	Smith
Dominick	Long, Mo.	Talmadge
Eastland	Long, La.	Tower
Ervin	McClellan	Young, N. Dak.
Fong	McGee	Young, Ohio
Fulbright	McGovern	

The PRESIDING OFFICER. A quorum is present.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina is recognized. How much time does the Senator yield to himself?

Mr. THURMOND. Mr. President, just 1 minute.

As I understand, the yeas and nays have not been ordered.

Mr. MANSFIELD. The Senator is correct.

Mr. THURMOND. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I would just remind Senators that the Chief State school officers in the Nation, the State superintendents of education, have asked for these two amendments. I have no particular interest in them, except I think they are good amendments.

This is what the educators want—not the politicians—and the people who administer the law. That is the reason I have offered them.

I have before me a letter explaining the amendments, and we have placed a copy of this letter on the desk of each Senator. This is what they want. I offered the amendments because they do want them.

Mr. MORSE. Mr. President, do I have 30 seconds remaining?

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, the Senator from South Carolina has cited the leader of one educational lobby. Great educators from the great metropolitan areas and many urban centers do not want the Senator's amendment.

The PRESIDING OFFICER. Is all time now yielded back?

Mr. THURMOND. Mr. President, I yield back the remainder of my time.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to amendment No. 493 of the Senator from South Carolina [Mr. THURMOND].

The amendment was rejected.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. CLARK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2388) to provide an improved Economic Opportunity Act, to authorize funds for the continued operation of economic opportunity programs, to authorize an Emergency Employment Act, and for other purposes. I move the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of December 11, 1967, pp. 35755–35772, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

Mr. CLARK. Mr. President, in order that Senators may be notified——

Mr. JAVITS. Mr. President, reserving the right to object——

Mr. CLARK (continuing). That the Senate is now considering this conference report, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, reserving the right to object, the Senator moved awfully fast.

The PRESIDING OFFICER. The Senator from Pennsylvania moved that the Senate take up the conference report.

Mr. JAVITS. Well, that is another matter, of course.

Mr. CLARK. I was moving not because I was in a hurry——

The PRESIDING OFFICER. The motion is not debatable.

Mr. JAVITS. Will the Senator from Pennsylvania yield to me further?

The PRESIDING OFFICER. The Senator from Pennsylvania requested a call for the quorum, and the clerk will call the roll.

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield for a parliamentary inquiry?

The PRESIDING OFFICER. Does the Senator from Pennsylvania withhold his call for the quorum?

Mr. CLARK. Yes. I am glad to extend that courtesy to the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. Let us understand the practice we are following. I do not say that I am going to oppose the conference report, but I should like to know what we are doing.

The Senator from Pennsylvania, I understand, has moved to take up the conference report.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. And that motion is not debatable?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. The Chair stated that it was decided in the affirmative.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I do not object. I just wanted to be sure of the practice.

Mr. CLARK. Mr. President, I renew my request. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President—

Mr. JAVITS. Mr. President, will the Senator from Pennsylvania yield momentarily so that I may ask for the yeas and nays, unless the Senator has something else in mind?

Mr. CLARK. Yes.

Mr. JAVITS. I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, the conference report on S. 2388 is at the desk.

The PRESIDING OFFICER. The Senate will please be in order. The Senator from Pennsylvania will suspend until the Senate is in order, so that the conference report may be considered.

Mr. CLARK. Mr. President, I ask that the Senate attachés either seat themselves or leave the Chamber.

The PRESIDING OFFICER. Senate attachés are requested to take their seats or leave the Chamber. The Senate will be in order before the Senator proceeds further.

Mr. YOUNG of Ohio. Mr. President, I note that some of the Senate attachés are still on their feet. They probably have nothing else to do. They are evidently in here only out of curiosity. I ask that they be ordered to leave the Chamber, or that they be seated in the rear of the Chamber and remain seated.

The PRESIDING OFFICER. The Senator's request is in order. Let there be order in the Senate. The Senator will not proceed until it is in order, so that the Senate can consider the conference report and Senators may be heard.

The Senator from Pennsylvania may proceed.

Mr. CLARK. Mr. President, there are 196 differences, most of them of some substance, between the poverty bill which passed the Senate and the poverty bill which passed the House.

Necessarily, the report which is now brought before this body is a compromise—as are all hotly contested conferences.

I believe that this is a good bill. There are many things in it I do not like. However, I have no hesitation in recommending its approval to the Senate, as do seven of my eight colleagues, all of the Democrats on the conference committee, and the Senator from California [Mr. MURPHY] and the Senator from Vermont [Mr. PROUTY] among the Republicans.

The major differences between the two bills were, first, with respect to the so-called Green amendment, on which the House insisted very vigorously. The amendment was and is most controversial. It provides authority for States and local governmental units to become community action agencies if they choose and are designated by the Director of the Office of Economic Opportunity to run the community action programs which are set forth in title II of the bill.

The Senate labored arduously to assure that there were strong and adequate bypass provisions related to the Green amendment under which, in the event the Director was dissatisfied with the manner in which the local government units or their designees were conducting the community action programs, they could be bypassed under certain conditions.

Another important difference between the two Houses was money. The House limited the amount for 1968 to $1.6 billion. We in the Senate went to conference with a 2-year bill. The House bill was a 1-year measure. We went to conference with an authorization for the first year of $2.258 billion, and for the second year of $2.4 billion.

The conference resolved that difference by accepting the 2-year bill. We were able to persuade our House colleagues, who will act on the bill Monday, to authorize $1.980 billion for the first

year and $2.180 billion for the second year. I believe that resolution of the money question was, on the whole, favorable to the position of the Senate conferees.

The sums authorized may be substantially in excess of what the two Appropriations Committees will allow. However, the money authorized is not adequate to do an appropriate job. But with the war in Vietnam continuing at the present pace, it is, in my opinion, unrealistic to expect that we can get for a whole year of the poverty program as much as is being spent in 1 month in Vietnam. That is the condition which confronts us, and not a theory.

A third important difference between the two Houses dealt with the proposition that when a program is funded which requires a local contribution, that local contribution must be made, in part at least, in cash. The House provided it should; the Senate that it should not. I am glad to say the Senate prevailed in that regard, and what is included in the bill is provision that 80 percent of the funding is to be by the Federal Government and 20 percent of the funding by the localities, which may be in cash or in kind.

There are a great many other important matters which were in dispute between the two Houses but, in my opinion, they need not be explained to the Senate in detail at this time, although I am prepared to answer any questions which Senators may have with respect to them.

It is my understanding that the Senator from New York [Mr. JAVITS] desires to address the Chamber at some length with respect to the conference report, and I now yield the floor in order that he may do so.

Mr. JAVITS. Mr. President, I intend to suggest the absence of a quorum, so that we can notify Members of the Senate that I shall be addressing myself to what I consider to be some very critical difficulties with this report. As the Senator from Pennsylvania has said, I did not sign it. I did not sign it advisedly.

Mr. President, I shall now suggest the absence of a quorum. Before doing so, I urge the attachés to advise Senators who may be interested in the conference report that I intend to address myself to its merits. I do not know that I shall insist on a live quorum. Perhaps I shall. But I do think more Senators should be in attendance to hear what is taking place. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, this is for me a very sad day. It is an especially sad day in view of the conclusion to which I have come that it would be counterproductive to seek to have the conference report recommitted or to seek to defeat it. That makes it especially unfortunate, as I think the report has within it a confession of bankruptcy in so critical and important an element of the antipoverty program as to make me weep for my country and its creativity.

Nonetheless, I am a responsible legislator, and as responsible legislators we have to keep our eye on the main point of helping the poor. So notwithstanding the deep feeling I have upon his subject, I have regretfully come to the conclusion that, rather than oppose, I must support the conference report in order to get something done and to get some stability into the program, which is now operating on literally a day-to-day basis. But that does not make it right. What is being done is completely wrong. However, the balance of practicality, to which I am myself yielding, makes it desirable to take the action we are taking. I am sure that Senators can understand, therefore, why there is this very clear lack of joy in my heart today.

The essence of the antipoverty program—what made it a gifted idea—was that not only would it give relief to the poor, it would also enable the poor to escape from endemic poverty by dint of their own efforts and responsibility. If not, it would be merely another welfare program. We have lots of welfare programs; and we shall have a big welfare bill before us next week. All it will do will be to deal with welfare programs—constructively, I hope, but nonetheless with a welfare program approach not involving any real participation by the poor.

This was a creative hope that by giving people personal dignity and responsibility, giving them training and opportunity not only to get a job but even to go into business for themselves, we could break the cycle of poverty.

But beyond everything else in respect to the program was the fact that the poor would acquire personal dignity and responsibility.

Indeed, the dominant concept of the antipoverty program was that the poor themselves would have the creative role in the development of the program; and, because this would be a program of self-help, they would profit far beyond the expenditure of moneys and the mechanical arrangements involved. They would be building themselves up to be people who could be entrusted with responsibility, and to feel that they were not just the poor—to wit, ostricized members of the community—but that they were creative human beings, who had the capacity for running a show to some extent themselves. This would bring about, in those to whom it happened, a pride and dignity in achievement which would serve as an example to all the others, and be one of the most important aspects of the antipoverty program.

Mr. President, with all respect to the Senator from Pennsylvania [Mr. CLARK] and to every other member of the conference who signed the report, that concept is now swept right out of the room, and there has been substituted for it the concept that, just as welfare is run by municipalities, so the antipoverty program is to be run by municipalities.

The form remains; that is, the poor are to be consulted, the poor are to have an advisory role, the poor are to have an administrative role, with one-third of every administering community action board is to be composed of the poor. All of that remains, Mr. President, but the substance is gone. I repeat: The form of mass participation by the poor remains, but the substance is gone. And the substance is gone, Mr. President, because any political subdivision that chooses to do so may become itself the policy-setting agency, the programing agency, and the allocator of the money.

Mr. President, we must realize that in the whole conduct of the program up to now only 41 out of 1,050 of these community action agencies are political subdivisions, but the overwhelming majority are not. And under the new bill, they all will be, or will all be capable of being. How many will be, of course, we do not know as yet. But in any case, the political subdivisions have the first call. And if there is a political subdivision that wants to be a community action agency, it must be made one. And this is all in the name of efficiency and accountability. That is what it is for. That is what the other body dug in its heels about on this very proposition.

A deal was made. Everybody knows that. And what I am saying is nothing that is necessarily to the discredit of anybody. A deal was made to get the votes for this program, and the votes had to be gotten from people who allegedly felt that they could not vote for it unless this were done.

A price was paid not only in the House, but also in the conference. It is as blunt and as naked as that. And the price is a price to the country. And all the good will in the world does not wipe it out.

In a very real sense, this is a test of me, not just of the conference. If I were simply an idealist, with no other considerations, I would fight this provision tooth and nail here and everywhere else in the country and make it a major public issue.

Mr. President, I believe that this effort is more important than that.

Instead, I am going to lend myself to try to make the program work even with this albatross around its neck.

Mr. President, the matter is by no means irremediable. If it becomes a shocking disgrace to the United States of America, as it easily could, with every city hall having a brandnew barrel of pork to use for patronage, and for buying votes, then as the Presiding Officer knows, and as I know, it will be dismantled.

Mr. President, what a sad thing that we must accept this in the last week of the session of Congress because in a most ill-advised way a deal was made in the other body which was honored in the conference. I am not imputing any fault to them. It is another philosophy, another point of view.

Because we are in the last week of the session of Congress and because the program in total is in grave danger, and if dismantled it may never be resurrected, we now have to take the measure as it is. That does not make it right. And it does not remove the danger.

It is sad that we may have to work

through a time of disgrace and tribulation with 30 million poor in the country in order to get some good out of the measure.

I hope and pray only one thing, that I am wrong and that they may be right, and that the city halls may administer this measure with a sense of decency, very much as it is being run today in terms of the participation by the poor.

This is possible. The pending bill does not say that they must use the money for patronage or for political purposes. Not at all. On the contrary, it says the opposite. However, it does not require that in terms of organization.

The law can be administered so as to be a shining credit to our whole country. We have had laws in effect before that have involved great risk of danger and inequity. And those laws have been well administered and have turned out to be a blessing to the country.

I can only hope and pray fervently that some of the things I will say and some of the material I will put in the RECORD will be proven to be wrong.

The fact that I am not signing the conference report may have some influence in that respect. I hope that others will join with me.

I am not by any means the only one who feels this way. I am sure that a majority of the Members of the Senate feel precisely as I do. But I am fairly sure that if I had moved to recommit the conference report with instructions to the conferees to insist upon the Senate version on this policymaking part of the bill, I would have perhaps received 10 votes since many would fear that a recommital would kill the program. That effort would have been completely counterproductive, because then it could have been argued—although it would have been untrue—that the Senate, too, has approved of this inequitous arrangement.

I hope that perhaps what I am doing this afternoon may have some meaning and some influence in the days ahead which will be so rough for the antipoverty program by spotlighting and discouraging the possible abuses.

Mr. President, to get down to the nuts and bolts, let me first say that before I start with my prepared text, I hold no criticism of the Senator from Pennsylvania [Mr. CLARK] or any other conferee.

We could not have had more honorable men or men of greater skill or devotion than my colleagues on the conference committee.

Nobody worked harder than did the Senator from Pennsylvania. He felt he had to get a bill. And I am not going to say anything about that. The Senator expressed himself on the matter very eloquently in conference.

Nobody sympathizes more with the chairman than do I, because I have had to take a lot of things during conferences. I have been in that position on many occasions, and I know how it feels to leave with that empty feeling in one's heart because you know that you have not gotten the result which you were sent there to accomplish.

The Senator from Pennsylvania fought with great skill. He got excellent results in many things.

But the fundamental cancer in this thing remains. This is the matter which we are discussing here today.

I think that the money item was fairly settled. I think that insofar as we could—being unwilling to break up the conference over the matter of the city hall or so-called Green amendment—we got some concessions.

Indeed, my chairman said at the press conference—and I hope he will not reiterate it here—that he thought we had not gotten concessions that were meaningful.

Although I am a member of the other party, I was the one who said that I thought we had gotten some meaningful concessions. Let me say again that the program could be run properly, even with this provision in the bill. However, the inclusion of this provision gives it the capability of being run so improperly that it must be shown to the country how improperly it could be run.

Every politician—and I use that word not in its best sense—can use this provision to his advantage. It is wide open and ready made to be ridden by them in their control of the program.

Control of the program is turned over to city hall. That is provided for in section 210(a) of the bill, which clearly says that a community action agency shall be the State or political subdivision itself or, at the option of the politicians, some other agency chosen by them. So, wherever the city hall wants to take over the poverty program, it can do so and has the ability to do so.

That is a major change from the present situation where the control over what group shall be the local agency is held by the Director of the OEO, and the initiative in organizing a program has most typically been taken by private citizens rather than by public officials.

Let me digress from my prepared remarks at this point to say there is a provision in the bill which requires that all agency boards be split one-third, one-third, one-third: one-third public officials, one-third the poor, one-third citizens of high caliber generally. I was always ready to accept that. When you get below that level, to the neighborhood boards, there we leave them free of the requirement of having one-third public officials—and I contended for that for very important reasons which relate to neighborhood forms of organization. I never had any objection to the House insisting that in the program and policy level, one-third of the board would be public officials. But they went far beyond that. Any political subdivision can be the community action agency itself, and when it is, that locks it in, and that is that.

As I said earlier, at the present time only 41 of 1,050 community action agencies are public bodies.

Under the new bill, the Director can refuse to designate a political subdivision as the official community action agency only under extremely restrictive requirements. He must find that the applicant does not have the "power," the "authority," or the "will" to perform the functions of a community action agency, or that it is not "capable" of doing so. Any city council, in my judgment, as I read this amendment, can probably give itself the power and authority to run such a program, if it does not have them already, and can take over its policy directions and programing. That is the essence of the basic, deep objection I have to what has been done.

Whenever a political subdivision takes over as the community action agency, the representatives of the poor and of other private groups are excluded from participation in the determination of policy.

Mr. President, let me emphasize that. When a political subdivision itself becomes the community action agency—which is completely, for practical purposes, within its power to do—the poor and other private groups are excluded from participating in the determination of policy. They can administer, but the policy is firmly in the hands of the political agency and its officials. Under the present act, policy at the local level is set by boards of which one-third are representatives of the poor.

Under the Green amendment, as accepted by the conferees, the board on which sit representatives of the poor as well as representatives of the community generally—business, industry, labor, religion, and welfare organizations—only "administers" the program. This board "participates in development and implementation" of programs but it is essentially advisory with respect to policy.

Let us understand that we fought this battle for days on end, uphill and down, and I stood very actively with my Senate colleagues in the fight; and we got nowhere.

The limitation of board power in respect of policy was deliberate on the part of the other body—at least, the majority Members of the other body—since the proponents of the Green amendment sought to make clear that where a city hall became the community action agency, its governing officials—to wit, the city council—could call the shots, without the poor participating in the actual decisionmaking process.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Can the Senator cite some practical examples of the application of the provisions he has just identified?

Mr. JAVITS. Exactly.

A community action agency, for example, must submit a program. Such a program covers the items in the fields of education, daycare, manpower training, provisions for the elderly, youth recreation, community workers—that is, people who might do work that is needed in the community which is not susceptible to private employment—helping in hospitals, and so forth. They would decide on a program including these elements, and they would stipulate what they sought for each in terms of the priorities and in terms of the total resources which would be made available to them.

That function now will be strictly in the hands of the politicians. They are required to consult with the public and the poor, but the decisionmaking power is in their hands. And that differs 180 degrees from the situation today. That is

where everything starts. Beyond that, you may administer—you may have much of the responsibility in that regard; you might break down a particular type of program into different neighborhoods smaller units, and so forth. But the basic program—the priorities and the allocation of resources—is policymaking, and that is in the hands of the political people, if they choose to assert their power to take it.

One of the most troublesome aspects of the situation is that a good part of this antipoverty program has been so stimulating and exciting because it has been a sort of burr under the saddle of the public officials themselves. In many communities, for example—we saw it in the testimony, I believe, with respect to a city in the South, but it is quite typical—you had tremendous shantytowns right in the center of town. It was alleged that the reason for that was the failure to enforce the building code, and it would take some form of community action to stimulate the municipal officials to enforce it.

Community action can be engendered by citizens, in an orderly way, having a meeting, appointing a committee, and drawing up their grievances in an intelligent manner, or by sending a committee to the city hall to testify before the council.

Yet you can hardly conceive of public officials who would be so broadminded that they would countenance such activities criticizing of their own effort as part of the poverty program. You can be sure that any type of work of that type will be suffocated in such a setup. The people who are for this type of setup do not want such activity. They are against it. That is why they backed the Green amendment. And this suits them to a "t." But that does not necessarily suit the majority of us, and that is the essence of this argument.

Mr. President, the limited powers of the "community action board," which is the term used when a city hall is itself the policymaking agency, are made particularly apparent when you compare them with those of what is called the "governing board," the term used when the agency is not the political entity itself but is a group designated by the political subdivision. In that case, the "governing board" is given the power to "determine program policies." It is that catechism, to determine program policies, which accounts for the 180° difference I have described.

I have just stated that I have never felt that the proposition of having public officials compose one-third of such boards was objectionable at all. But I do object very strongly—though not enough to make me turn against the entire report, as I have explained—to turning this literally over to the political people and thus breaking its entire concept, the purity of its concept, which has been so promising for the poor. Indeed, in my judgment, it radically changes the present structure on the element of key psychological importance for the poor. It breaks a promise held out to the poor to have a voice in their own destiny. It will increase their alienation by showing that once again they are rejected by society generally; it will play into the hands of the extremists, who can say to them, "You see, we told you so, violent revolt is the only answer."

The next point is this. Let us assume that there is a city hall, or any political subdivision, that does not decide to take up its opportunity to become the dominant agency in respect of the antipoverty program. One would think that would free the other public and private organizations. Not at all, because under the bill as it is written, that political subdivision could come in and take over at any time at its option. Therefore, the threat hangs over the heads even of the private agencies that if they do not behave themselves, the politicans will move in and take over. Hence, it would operate under that threat that, "If you want to avoid being put out of business, you had better not ruffle the feathers at city hall."

And whether or not city hall should take over could undoubtedly become a hotly contested election issue in many communities.

The fourth point is that the new bill will be a nightmare to administer. We saw that in conference, and it is one of the things we tried hard to make our House colleagues see—but unhappily they did not. The Director will be faced with multiple applications or designations from overlapping political jurisdictions which may be controlled by different political jurisdictions which may be controlled by different political parties, for example, a Republican Governor and a Democratic mayor, or vice versa.

Moreover, any political subdivision can opt out of a program of which it is a part, but then a part of that subdivision could opt back into the larger program—for example, a county opts out of a statewide program, but a township in the county wants to participate in the State program. The Director would be faced with all of these conflicts. Finally, the bill most unwisely, I think, limits the size of the administering boards to 51. There are 60 programs throughout the country which have larger boards, many put together only after the most torturous negotiation. Why the House dug its heels in on the number 51, I do not know.

Now I come to the question of the bypass. That is the way in which the director may, notwithstanding the political control of the program, bypass the political agency concerned. In that regard, I think we won some concessions and I think they were meaningful concessions.

Again, I repeat that I hope our chairman will himself tend to recognize that as we get into this discussion, rather than to feel, as he did in the beginning, that we got no concessions.

But these concessions on the bypass are somewhat less important because they are based on the proposition that the director of OEO shall be a titan. It will take a man of titanic courage and job security to take on many mayors, city councils, and Governors, in such a frontal way as bypass their own plans and programs.

The grave doubt about the political ability of the director effectively to use this bypass, where he has it—and I shall give conditions where he may have it in some cases—is confirmed by the fact that under the present law the Director has overriden the veto by State Governors in only about 15 percent of the cases, or four out of 28 cases. That is a little less than 15 percent. He has been very reluctant to do even that, and that is without the added factor of the political subdivision itself being the community action agency.

The specific bypasses are these:

Under section 210(d), the director can bypass city hall only where the political subdivision has already been designated or where no relevant subdivision wishes either to become the community action agency or to designate one. Hence, even if he can possibly find under section 210(a) that the political subdivision does not have the power, authority, will, or capability to run a program, he cannot then appoint a group of his own choice since the section 210(d) bypass can only be used where a designated agency is already in place. Thus, wherever the city hall wants to be the community action agency, the director has no real alternative but to designate it.

Then, and only after a "reasonable opportunity" has passed, he can find that the political subdivision has "failed to submit a satisfactory plan" or "to carry out such plan in a satisfactory manner." That is a long haul and it will take a director who is a titan to deal with a political agency in that way.

Even if the city hall does fail to perform properly, and the administrator bypasses them, the politicians can later reapply to become the community action agency, and he must then go through the entire matter again.

Second, there is a provision in the bill which relates to bypassing the community action agency for limited-purpose or component programs. The director must first find that the objectives of the program he wishes to fund could not be "effectively achieved" by funding it through the community action agency. That again makes him confront the political people in a politically difficult way.

Finally, I deal with the very vexing issue of the effective date. It is claimed that the deferral of the effective date on which the Green amendment shall take effect represents a major concession to the views of the Senate, contrasted with the views of the House.

Mr. President, I do not think so at all. It is claimed that the effective date is deferred until February 1, 1969. I do not find any such comfort in the bill. The conference report states no existing program may be terminated before February 1, 1969, unless—and that is a big unless—a new agency has been designated and funded to take its place. This only means that the Green amendment will not produce interruptions in ongoing programs until February 1, 1969.

If city halls wish to, they are at liberty to take over beginning July 1, 1968, and that is less than 7 months away. Moreover, as the program periods of most community action agencies will have run out in 7 or 8 months, negotiations will have to begin almost immediately within each community, before new applications are submitted, to determine what group will be running the program in the future.

It is very interesting to me to find that this whole matter is dismissed in a few paragraphs in the report of the managers on the part of the House. I can understand why. This is their "baby." They have brought it through the conference. In my judgment, it is a sad survival indeed. Now they will not make too much talk about it, let me assure the Senate. They dismiss our "clarifying amendments," as they are euphemistically called. In the report, the House managers include the following sentence:

Mr. CLARK. Mr. President, will the Senator kindly tell us on what page that is?

Mr. JAVITS. Page 67. The sentence is:

> These clarifying amendments are not in any way intended to confer on the Director any authority to make subjective judgments respecting the qualifications of a community action agency.

It is my deep judgment that no director even on the rack would concede that he is making subjective judgments. He would be making objective judgments as a public official according to the letter and policy of the law which he is duty bound to enforce. We still have to—as I have just explained in considerable detail—look for the words of law in order to determine what is to happen.

I have taken pains today to explain the Green amendment, notwithstanding the fact, as I said when I began, that it would be fruitless and harmful to bring the matter to a vote in the Senate which might give a false impression of what the Senate's real view is on this particular matter and to move as the rules would properly permit me to move to recommit the conference report. The facts still remain undeniable on the merits of the situation. I felt it my duty to lay them out starkly and nakedly—as they should be—before the country.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. I am glad that I can hear the comprehensive statement of the senior Senator from New York, who has so much interest in the antipoverty program, and who has worked so hard and given such fine leadership in its behalf. I have followed the progress of the bill in the House and particularly the reports regarding the so-called Green amendment.

I am glad to see in the Chamber today a colleague of mine from the State of Kentucky, the distinguished chairman of the Committee on Labor in the House, Representative CARL D. PERKINS, who has provided outstanding leadership in the other body for this bill.

I ask whether the Senator intends to address himself to the arguments which have been made for the amendments. The Senator has made an eloquent and moving plea for full participation of the poor in the program designed for their betterment on which I agree. He believes that the change in structure of the Community Action Committees will remove the poor, and the independent citizens from determination of policy, and I would say, to a degree its administration. But there are many—and I happen to be one of them—who have supported the poverty program from its inception in the Senate, and who have voted to continue to provide funds for it, not to see it whittled down, then broken down, and finally eliminated.

But many of us have wondered about its effectiveness, about the use of the money, not alone its waste—although that is an important element—but the ultimate question of whether the program will accomplish its purpose to lift our fellow citizens out of poverty and into full life and opportunity.

A second question is whether a political subdivision, on which responsibility can be fixed cannot more effectively operate the community action programs, with the participation of private citizens, and the poor—than the present agencies, which are responsible to no one.

These are questions, I remember, which were raised in debate in the Senate this year and in prior years. They have addressed themselves with great force to Members of the House and to some of us in the Senate.

I wonder if the Senator would respond to the argument as to the effectiveness of the program presently administered, and to the question of whether the fixing of responsibility upon political subdivisions as proposed in the conference report will not result in a more effective program.

Mr. CLARK. Before he does so, would the Senator from Kentucky yield to me?

Mr. COOPER. I yield.

Mr. CLARK. I should like to say to my good friend from Kentucky that I yield to no man in my enormous admiration for the distinguished Senator from New York.

Mr. COOPER. The Senator will have to yield to me a little bit because I have even greater admiration.

Mr. CLARK. Not only is the able Senator from New York a most astute Member of this body but throughout consideration of the poverty bill he was most helpful.

However, I think it important to point out that he was one of nine conferees and the only one who did not sign the conference report.

If the Senator from Kentucky is thinking in terms of making legislative history through colloquy with the Senator from New York, I am sure that, as a former judge and lawyer, he will understand that the conference report speaks for itself, and that the language in the bill speaks for itself. If anyone is going to make legislative history—and I doubt if anyone does—it should and will be the chairman of the Senate conferees on behalf of the eight Senate conferees, including the ranking minority member [Mr. PROUTY], who signed the conference report and not one minority member who did not sign the report.

Mr. JAVITS. Well, Mr. President, after that very gracious statement [laughter] there is not too much that needs to be said, especially the way the conference report finally eventuated.

It seems to me that the Senator from Pennsylvania cannot be overly happy about the way this thing has worked out—perhaps somewhat for the same reasons I am not happy about it. Be that as it may, I do not understand that the Senator from Kentucky is seeking to make legislative history with me, although that is not necessarily out of the question, as I intend to vote for the conference report, as I was the senior Senator conferee present on the minority side throughout, and as I participated in every conceivable aspect and argument during the conference.

If I am as astute as the Senator from Pennsylvania thinks I am, perhaps the courts would have the idea that I had a pretty good idea as to the intention of the conferees if I answered the question directly.

I might tell the Senator directly that if I do, if I do answer the question as a lawyer, I will give it the best I have. That is the way I think I am looking at it, because I am not going to let the Senate down today.

In answer to the Senator from Kentucky, and not to make legislative history, I should like to say that I think there was some validity to the idea that the maximum participation of the poor had been pursued too far in some areas with the effect that we had to prop up the poor so that they could run a program which they were incapable of running. But maximum feasible participation of the poor was the concept of the program. This did not say that they should run it. It certainly did not say maximum participation of the politicians.

However, what has happened is exactly that. We have substituted for the maximum feasible participation of the poor the maximum participation of politicians.

Mr. President, under these circumstances, I would prefer the possible ineptitude of the poor, rather than the grave dangers of pork barreling and ineffectiveness which inure in having maximum participation of the politicians.

Again, I repeat, no one prays more fervently than I that the program be run—and it could be run that way, and I hope and pray it will, and I shall do everything I can to see that it does—that it be run with effective and maximum participation by the poor and without maximum participation by the politicians.

As I say, we may have gone overboard in some areas on that question, but in reversing the trend, we have been thrown into a totally new area which is far worse than anything before.

And now it will be difficult to correct any mistakes or faults in local programs. The agency can now deny funds; it can call the people into the office and shake them up; or can take up whatever other alternatives it has. But in the present bill, with mayors, county executives, boards of supervisors, and all the political apparatus which represents them in the Congress. The director would have a mountainous job to take on and correct faults in the program.

I look with dismay what is going to happen. I am deeply saddened and regret that the practical situation we face indicates that we have to let it happen before we are going to be able—and I use

those words advisedly—to do anything about it. I hope and pray it does not happen, but it is going to have to happen before it is corrected. That is a sad price for the country to pay, and a sad price for the poor to pay.

I would like to comment on one or two aspects of the program. Then I shall again ask for a quorum call, and, hopefully, if there are any other Members present, I shall reserve the summing up of my argument for as many Members as possible, so I may state in their presence what I propose to do about it, which is critically important, in view of what I have said.

I now wish to refer to one other aspect of the bill that relates to small business. I have always considered small business to be critically important in the antipoverty program, because, again, like the maximum feasible participation of the poor, small business represents an opportunity of entrepreneurship and the building of responsibility and dignity on the part of the poor.

There are some among the poor who are able, by training and aptitude, to become small businessmen and go into business for themselves. It will be remembered that one of the most striking manifestations of the riots and violence of the last three summmers has been the fact that in Negro poverty areas, Negro businesses were spared. There was a certain pride among the poor themselves and in those who could go into business for themselves, whereas white establishments were objects of assault.

It is a terrible thing. It is insurrection. I am the first to condemn it and demand that it be punished and restrained. But it is a sociological fact which we cannot fail to notice.

Because we did notice it, we sought to encourage small business in the antipoverty program. The way we sought to encourage it is by financing development agencies which would go to the neighborhoods themselves and seek to develop small business opportunities and find entrepreneurs in the small business field, and then, not merely lend them money—which is one-third of the job, or even less—but to give them managerial assistance and technical assistance, training and guidance, on a continuing basis, in order to bring them along and see if these small businesses could be successful.

In New York's Harlem, for example, small business development centers, assisted by the Department of Commerce, were fantastically successful and useful. I personally visited a galaxy of small businesses which had been established with small loans of about $15,000. Where the right person had been picked by the United States public officials, where he was assisted with advice, training, and service, a measurable number of small businesses were founded that way.

Then along come our brethren in the House and decide that goes right out the window because, they say, this is small business and the Small Business Administration has to run it, and we are not going to tolerate any other placement of that function. Again, they dug in their heels upon that in a manner which one would really have to be there and see it to believe it, upon something that was not of dominant importance in the poverty program. The whole thing was going out the window because a Congressman who was not even on the conference said that unless he got this, "there ain't going to be no bill."

The Small Business Administration is essentially a white collar agency. One has to go downtown to it to get assistance for a small business. It is not geared to or made for the kind of effort and detail where management training services are 90 percent of the job, which is what is required in the slums and ghettos of America.

One of the administrators of the Small Business Administration himself testified they did not want the Small Business Development Center program. That, he said, would be "mixing gasoline with matches." But our colleagues in the House were dug in and insisted and they would not hear of anything else. So the Senate conferees capitulated again, on the ground that they wanted a bill that could be even remotely acceptable, and they felt this one would be.

The only thing we kept in the bill was a provision which I fought for and insisted on, and which my colleagues helped me to get, which gave the President the power to transfer these functions out of the Small Business Administration to the Department of Commerce, which is working in this area now, if the President felt that it would do the job better.

The point of the legislative history—may I say to the Senator from Pennsylvania [Mr. CLARK]—that I would like to make, as this was my amendment and was agreed to, is that I feel the President has that power to transfer immediately. In other words, as soon as the bill is signed, if he feels that a change ought to be made in that respect, in my judgment the bill gives him the authority to make it. He can make it at any time from the time the bill is signed.

I hope the President will use that power, and not see it as a dead letter on the books. As another element of legislative history I would like to add that we were assured by the SBA that it would continue the Small Business Development Center program if it got this authority.

Now, Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I think I have now adequately analyzed the disastrous way in which the Green or city hall amendment could work out.

Mr. President, we come now to what to do about it. Normally the city hall amendment would have created for me an insuperable obstacle to approval of the conference report on the antipoverty authorization because of its gravely damaging consequences.

But, these are not usual circumstances. We are at the end of the session. The program, the conduct of which is so vital to the tension-ridden areas of the country, is being operated on the most tenuous continuing basis, literally day to day. Indeed, we had a lapse of a few days during which people could not even be paid for their services.

So, the program could get hopelessly deadlocked now, as it has plenty of opponents. I would rather have a resolution continuing the present program which, at the present rate of funding, is about $1.8 billion a year in round figures, than the bill embodied in the conference report.

I think it is greatly to the credit of the conferees on the Republican side in the other body that, while some of them did not support the program in the House, they were willing to go along in the conference and on the House floor for a continuing resolution approach.

However, even a continuing resolution—and I have really checked this out very carefully—would have a 50–50 chance of getting snarled in the crosscurrents of this coming last week of the session. There are just too many who oppose the program altogether to justify this risk as far as the poor are concerned.

These reasons, in my judgment, must regrettably and deplorably be persuasive to all friends of the program, and rather than risk a vote which could give the impression that the Senate is for the city hall amendment—an amendment which never passed the Senate and which was not included in the Senate bill, and which prevailed in the conference only because of the absolutely irreconcilable insistence of the majority of the House conferees—I have decided on the following course.

I say again parenthetically, as I said when I began, Mr. President, that I have checked this out very thoroughly. It is very unlikely that I would have gotten more than 10 votes for a motion to recommit with instructions to turn down the Green, city hall amendment on the part of the Senate conferees.

It could then have been argued—and that would have been really disastrous—that the Senate had approved the Green amendment because it refused to instruct its conferees to hold out against it.

Rather than run that risk, which I know does not represent the view of a majority of the Senate, I have decided on the following course of action:

First, I shall join in asking the Senate to approve the conference report in a rollcall vote, which I have already called for, after laying out for the Senate and the country the grave perils involved in the program which are involved in the city hall amendment. I think I have done that quite thoroughly so far.

Second, I shall offer legislation next year on some key measure coming out of the Committee on Labor and Public Welfare, where I am the ranking minority member, to deal with the worst features of this provision, as I shall undoubtedly be a conferee on such legisla-

tion after it gets passed by the Senate and the committee. We will have a chance to retain the good part of what we are doing today.

Third, and more importantly, I shall do my utmost as a ranking minority member of the committee to see that in the exercise of our authority and legislative oversight, which is expressly provided for us by the Legislative Reorganization Act, we keep a close watch in our committee on what is happening under this amendment so that we will be in a position to act in a timely way to curb any excesses that may develop by appropriate legislation or by other action.

Also, at my request, the Director of the OEO, in an effort to give me some concept of the policy which they would pursue, has addressed a letter to the Senator from Pennsylvania [Mr. CLARK].

Mr. President, I read the letter:

DEAR SENATOR CLARK: Before the 1967 Economic Opportunity Amendments are signed into law—which I hope will be soon—I want to let you know how much we appreciate the consistent and constructive leadership role you and Senator Javits have played in the development of this legislation.

The national effort to combat poverty must be bipartisan, and the bipartisan support the program enjoys today is an important factor in our overall success. Your strong advocacy of a genuine effort to help the poor has been a tremendous source of encouragement.

While I understand the reservations expressed by some about certain provisions in the Conference bill, I am hopeful that they will not cause undue administrative or programmatic difficulties. Because of the concern expressed by some as to the impact of these provisions, we will supply an interim progress report to the Committee in the late summer or early fall on the operation of the amendments as they are implemented around the country.

We have always attempted to carry on our program in a manner consistent with the intention of the Congress and in a nonpartisan way. In the implementation of the new guidelines established by the Congress, we will continue that policy. Where a conflict develops with respect to the designation of a community action agency, I intend to seek a solution that is thoroughly nonpolitical and nonpartisan and which fully respects the role of the poor.

I believe that the Act permits, and, in fact, demands that our first program concern is substance, not form. Let me assure you again that partisan political considerations will not color our judgments in the implementation of the legislation.

Because of his strong interest and ranking position on the Committee, I am sending a copy of this letter to Senator Javits.

With best personal regards,

Sincerely,

SARGENT SHRIVER,
Director.

Mr. President, the pending bill also contains a report provision which was put in at my request, which is now contained in section 233(c), and reads as follows:

(c) The Director shall provide by contract for the conduct of an independent study and evaluation of the action taken under sections 210 and 211 of this Act and the effects thereof, with particular reference to (1) the exercise of their authorities under the provisions of title II of this act by States and political subdivisions, (2) the participation of residents of the areas and members of the groups served, public officials and others and (3) the administrative and program advantages and disadvantages, if any, encountered or foreseen in implementing such sections. He shall transmit such study and evaluation to the Congress before April 1, 1969.

The date of April 1, 1969, is based on the February 1, 1969, date in the bill, when all existing agencies must be phased out and replaced by the new agencies to be organized under this bill—or their successor agencies.

By this letter, in which Mr. Shriver agrees to give us a report in the late summer or early fall on the operation of the amendments, we are assured by the Director, as he is a man of good faith, of an interim report in general accord with the type of information sought by 233(c), around early August or early September next, which will again enable us to exercise some authority over this program after the Director himself has had experience in carrying it out.

I yield the floor.

Mr. CLARK. Mr. President, I should like to refer to a part of the bill as contained in the conference report of the two Houses. This is subsection 6 of section 222(a) of the bill, and has reference to "A program to be known as 'Emergency Food and Medical Services,' designed to provide, on a temporary, emergency basis, such basic foodstuffs and medical services as may be necessary to counteract condition of starvation or malnutrition among the poor."

Senators will recall that some months ago, on the initiative of the Senator from Mississippi [Mr. STENNIS] a bill which he introduced was reported by the Committee on Labor and Public Welfare, was passed unanimously by the Senate, and was sent to the House. That bill was a result of investigations in April into conditions of hunger and malnutrition in Mississippi which were made by the Subcommittee on Employment, Manpower, and Poverty, which I have the honor to chair.

We discovered widespread malnutrition and hunger not only in that State but also in many other places in the United States, including among the Eskimos in Alaska, the poor whites in Appalachia, and among Negroes in a number of States in the deep South and in urban areas in the North. The bill, which was passed by the Senate, called for an authorized appropriation of $25 million the first year and $50 million the second year, to be used to feed the hungry and to give them adequate medical services. The program was to be administered by the Department of Agriculture, the Public Health Service, and the Department of Health, Education, and Welfare. The bill was tabled in the House Agriculture Committee, despite the favorable votes of 7 Democrats, 2 of them from the State of Mississippi.

Representative QUIE, of Minnesota, a Republican and a member of the House conferees on the poverty bill, succeeded in having inserted in the poverty bill a provision somewhat similar to the Senate-passed Stennis bill. In conference, we adjusted the Quie amendment so as to incorporate the more important provisions of the Stennis bill, and it appears in the conference report, as part of the text of the act, on page 30.

I am most grateful to Senator STENNIS for the cooperation he gave the Senate subcommittee in pressing the Senate bill to enactment in this body. I am even more grateful to him for his valiant but unsuccessful efforts to get the House Agriculture Committee to report the Stennis bill. I am happy to say that he has advised me that he is in accord with the action taken by the conferees on the poverty bill in incorporating the major features of his bill into this measure. At his request, I ask unanimous consent that a letter written to him on December 8 by Sargent Shriver, the Director of the Office of Economic Opportunity, explaining what he intends to do to assure the effective operation of this program through the Department of Agriculture and the Department of Health, Education, and Welfare—even though the appropriation will go to him—be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C., December 8, 1967.

Hon. JOHN STENNIS,
U.S. Senate, Washington, D.C.

DEAR SENATOR STENNIS: As you know, S. 2388, the proposed Economic Opportunity Amendments of 1967, was reported by the Conference Committee with a new § 222(a)(6) added to the Economic Opportunity Act. That provision authorizes a special program of "Emergency Food and Medical Services" to provide on a temporary emergency basis food and medical services to counteract conditions of starvation and malnutrition among the poor.

Since the purposes of this provision roughly parallel S. 2138 which you introduced earlier this year, I know you are interested in the plans for implementing it. Section 222(a)(6) provides that the Director of the Office of Economic Opportunity shall arrange to carry out his functions under that provision through the Departments of Agriculture and of Health, Education, and Welfare. Subject to other statutory limitations it is certainly my intention to insure that the new supplemental emergency services are provided in a manner which does not duplicate or dislocate the arrangements for distribution of food and medical assistance to the poor presently administered by those two Departments.

Beyond that, the views and cooperation of State and local agencies which administer welfare and health aid within the communities receiving § 222(a)(6) assistance will certainly be sought. Indeed, within the framework of the law and the pressures of the needs which led to this new provision, I hope and expect that in most communities those agencies will play a much more instrumental role than just providing consultation and cooperation.

As you realize, it is too early to give definitive answers on particulars. However, I intend to see that this program is pressed as energetically as any authorized under our new legislation. I trust you will call upon me any time that I can provide additional information as our plans develop.

Sincerely,

SARGENT SHRIVER,
Director.

Mr. CLARK. Mr. President, with respect to the remarks of my good friend, the Senator from New York, first, I am glad, indeed, that he will vote to approve

the conference report. This means that the report will have the affirmative votes of nine of the Senate conferees. Although, to my deep regret, Senator PROUTY is ill and cannot be present to cast his vote, he has signed the conference report.

Second, in my judgment, we have a good bill. It is not a perfect bill, but it is a good bill, well worthy of enactment. I regret that it was necessary to accept the Green amendment, but we had to if we wanted any bill at all. The House was determined that the basic provisions of the Green amendment remain in the final bill. We were, however, able to modify its provisions in conference.

I would like to say to my good friend, the Senator from New York [Mr. JAVITS], that I do not agree with him that the Green amendment is as bad as he has made it seem. In my judgment, there is nothing disastrous about it. Basically, what it does is give substantial but far from complete authority—authority which is subject to the application of criteria applied by the Director in determining whether to approve an application for designation as a community action agency—to States and units of local government to be, either directly or by designation of a public or private nonprofit agency, the community action for a community.

But a State local governmental unit can do that and operate a community action program only if it is approved by the Director as meeting all the criteria for designation of a community action agency and for operation of a community action program under the provisions of the act as we were able to change it in conference. Moreover, if it fails to submit a satisfactory plan for a program which meets the criteria of the act, or if the Director, having approved such a plan, finds that it fails to carry it out satisfactorily, then the Director can bypass the State or local governmental unit or its designee and designate and assist another public or private nonprofit agency as a community action agency.

(At this point, Mr. BYRD of Virginia assumed the chair.)

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. DOMINICK. I must say to the Senator that I hope to be able to be in the Chamber for the remainder of his discussion, but I shall only be here for a short time at the present time.

Mr. CLARK. I would say to the Senator from Colorado that I have made practically no talk at all. All of the talking has been done by the distinguished Senator from New York.

Mr. DOMINICK. I would like to ask several questions about the other provisions of the act.

Mr. CLARK. I shall be happy to answer them.

Mr. DOMINICK. Did the conference report provide any specific funding for the Headstart program?

Mr. CLARK. No.

Mr' DOMINICK. Did the conference report enlarge or decrease the amount of authorization for the Job Corps over what it has been in the past?

Mr. CLARK. It is the same as recommended by the President.

Mr. DOMINICK. Which is more than it was last year?

Mr. CLARK. It is $295 million this year and it was $211 million last year, although, because of a carryover from 1966, the actual expenditures last year were more than $300 million.

Mr. DOMINICK. I thank the Senator.

Mr. CLARK. Mr. President, I have no further comments to make at this time.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. I believe that if the Green amendment goes into effect, if it does, that it really would emasculate the poverty program. I have listened to the distinguished Senator from Pennsylvania as to the effect of the Green amendment, but it is too late to debate that at this time.

Mr. CLARK. Will the Senator yield so that I may make a brief response?

Mr. BROOKE. I yield.

Mr. CLARK. I wish to make clear that I am not a protagonist of the Green amendment. I fought it hard in conference but we had the choice of either taking it in principle, as we were able to modify it, or having no bill.

Mr. BROOKE. I understand, but I think the American people are entitled to know where support for the Green amendment came from and where the opposition came from.

I would ask the distinguished Senator from Pennsylvania or the distinguished Senator from New York to enlighten us as to where opposition to the Green amendment came from.

Mr. CLARK. I would say to my good friend from Massachusetts that I can think of no one more capable of answering the question of the Senator than his Republican colleague from New York.

Mr. BROOKE. I direct my question to the distinguished Senator from New York.

Mr. JAVITS. The protagonists of the Green amendment were the majority—the Democrats—among the House conferees.

I think the Senator is correct in stating that it should be brought out as to how this came to be. Other people have just as deep convictions as the Senator from Massachusetts and the Senator from New York, except their views may be just the other way around. In the final analysis we have to fight it out as we tried to do in this situation. I must say that I would have been much happier if the first time the bill was considered those who are of my party in the House had concocted a coalition of those for the measure so that this would not be necessary. I do not know whether it would or would not have made a difference, but when we got to conference, of course, it was too late. The dynamics of the matter were such that certain feelings had been engendered by the need for a majority to obtain passage in the House. There were certain commitments. They do not have to be sworn to in blood. They are men of honor, and when they take a position, they stick to it, and they did in this conference.

I have had much experience in these matters, and I have rarely seen a matter such as this in the way of a "dug in" conference.

I would say that unless the Senate conferees got up and walked out, which is what I wanted to do, there was not much more we could have done without running the risk that the program would go to smithereens. They were absolutely dug in on the other side and they would not have it any other way.

I am delighted to hear what the Senator from Pennsylvania said today, in contrast to what he said at his press conference, that the changes we made in the Green amendment were meaningful. I said so originally. These matters had to be fought for and gained with blood and infinite passion, so deeply deadlocked was the conference.

Mr. CLARK. Mr. President, will the Senator yield to me briefly?

Mr. BROOKE. I yield.

Mr. CLARK. I suggest to my good friend from Massachusetts that perhaps we should not make of the Green amendment more of a dragon than it really is. I would anticipate and hope that in the overwhelming majority of cases that the local governmental units and the States would designate the existing community action agency to continue as it has heretofore.

There are, to be sure, a number of areas where there has been a clash between what I believe to be the legitimate aspirations of the poor and units of local government. However, these areas are the exceptions, in my judgment, which prove the rule.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CLARK. I shall yield in a moment.

Again, I say that the Green amendment is not the way I would have had it, but I say that we may tend to overestimate the damage.

Mr. BROOKE. Does the Senator agree that the Green amendment will perhaps create more situations in more areas than presently exist?

Mr. CLARK. It may, but I am not sure. I can think of one or two. I do not want to name them because that would be invidious. But I do not think it will.

Mr. BROOKE. I thank the Senator.

Mr. JAVITS. Mr. President, I would like to be recognized.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I thank my colleague for his helpful intercession. One of the things that troubled me deeply is the fact that there does not seem to be a disposition on the part of the overwhelming majority of the Senate to have this out by turning down the report. I know. I have checked it out. There is no question about the statement. There was a substantial vote in the other body on the bill. That vote was 283 to 129. Indeed, many of those who are supposedly the most ardent friends of this particular amendment—to wit, the Representatives from southern States, voted against final passage. I thought that if we had made a major stand upon this, even to the extent

of the danger of breaking up the whole thing, that we would have prevailed because of the margin and the cushion of the votes which existed in the House. With that margin, they did not need to keep so much of the Green amendment to pass the conference report. I know that some House conferees have said that in private. But certainly we did not find that reflected in the conference. There is no question about that. There was a deeply dug-in attitude there. The idea of getting a continuing resolution as an alternative to the Green amendment was supported by the minority.

Mr. PASTORE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, I am inclined very much to agree with the position being taken by the Senator from New York. I am also sympathetic to the position taken by the distinguished Senator from Massachusetts [Mr. BROOKE]. However, I think, here, we are confronted with a practical question so far as extension of the resolution is concerned.

As it now stands, we have gotten as far as December 2. If this conference broke up without some resolution on this very important program—the only one remaining program, the antipoverty program—I doubt very much, with the attitude which confronts us in the House, that we could have gotten another extension of the resolution. That means, for all practical purposes, that the whole antipoverty program might have just dissipated entirely. Of course, that would have wreaked havoc.

I quite agree that we would have been better off without the Green amendment but I think we should give it a try, for all practical purposes, and see how it works out. Here, at least, we do have the likelihood of keeping the whole organization together and taking it from this point on. I think we should watch it closely. It is regrettable that we could not have had it in the same fashion as we have had it up to now but, as I understand it, the House is adamant. There are some people there that could care less whether we pass an antipoverty program or not. The result would have been, the chances are we would have left here for Christmas without having passed any antipoverty legislation.

We have not had the appropriation request yet to come before the Senate. I understand that that will be one of my responsibilities. There is a lot of talk about adjourning next Friday. I hope that happens, but I am afraid that if we had a hiatus of a month and a half or 2 months without some tangible antipoverty program, even as bad as this may be—although I doubt very much that it is that bad—the fact still remains. So I think, for all practical purposes, we are a whole lot better off, and I think we should adopt the conference report.

Mr. JAVITS. I am very grateful to the Senator from Rhode Island. Let me say to him, because he may not have been in the Chamber when I spoke, that I know of no ally I would rather have on my side than the Senator from Rhode Island in the vigilance which is going to be required to see that this thing does not turn into an iniquitous pattern, or become a pork barrel, which it could easily become, remembering the capabilities inherent in the bill.

I hope and pray that does not happen. It does not have to happen. But, it will take vigilance and dedication on the part of people like the Senator from Rhode Island [Mr. PASTORE], who is in a much better position in a matter of this kind to help the country avoid the very real dangers which this amendment poses.

Mr. PASTORE. I thank the Senator from New York.

Mr. KENNEDY of Massachusetts. Mr. President, with today's vote, we can move one step closer to keeping the doors of opportunity open for many millions of poor Americans.

The poverty program is unlike other Federal assistance programs—it is aimed at helping poor Americans help themselves. This is the most important single aspect of the poverty program. It is one now adopted in other Federal programs, such as the work programs for welfare recipients, the neighborhood involvement in the model cities program, and various others.

There was widespread concern that the House-passed poverty bill would dilute this aspect of involvement, of the poor being given a role in determining what types of projects be established in their neighborhoods. We had a difficult time in conference seeing to it that this resident involvement and voice in program control was preserved. But I am satisfied that the bypass and other provisions we worked out in conference will assure the continued operation of local poverty programs, without creating undue disruption. I believe this in spite of charges to the contrary. Of course, if experience proves otherwise, then we have the authority to amend the legislation.

The amount authorized by this conference report is $1,980 million—$278 million less than the Senate bill but $380 million more than the House bill. This figure is a disappointment to the millions of Americans who see expansion of the poverty programs as an important way of reducing the causes of tension among our alienated poor. But even this amount is a victory, for there were many who despaired of getting any bill at all through the Congress this year.

There are a number of amendments to the existing law, which I introduced, about which I want to make specific mention at this point.

Section 215(b) requires each community action agency to encourage the establishment of housing development and service organizations, to focus on the housing needs of low-income persons. These organizations will provide technical, administrative, and financial assistance required to help those persons to utilize existing programs, and to enable sponsors to take advantage of existing mortgage insurance and housing assistance programs. While these corporations may themselves become sponsors of housing, under existing programs, under no circumstances are they authorized to insure mortgages or duplicate the long-term capital financing functions of programs administered by the specialized housing agencies. They will coordinate their efforts with other community action agency efforts.

Section 222(a)(4)(B) requires that comprehensive health services programs include programs to provide financial assistance to public or private agencies for projects designed to develop knowledge or enhance skills in the field of health services for the poor. These projects would encourage health professionals to direct their talents and energies toward providing health services for the poor. In carrying out this provision, the Director would be authorized to provide or arrange for training and study in the field of health services for the poor. Under this authority the Director could arrange for the payment of stipends and allowances for persons undergoing this training and for their dependents. The Director and the Secretary of Health, Education, and Welfare are directed to achieve effective coordination of programs and projects authorized under this provision with other related activities.

This section is an addition to the section authorizing neighborhood health centers, which I introduced last year and which is included in the Economic Opportunity Amendments of 1966.

Section 222(a)(8) provides for programs to identify and meet the needs of older, poor persons to be carried out as a special program. Under my amendment, this program would be known as Project Find, while under the House bill it would be known as Senior Opportunities and Services. The conference report accepts the House name for the program. The Senate bill intended the program to be for the benefit of persons over the age of 60, while the House amendment used 55 as the eligibility age. The conference report adopts the Senate age limit. Both my amendment and the House bill list the development of certain all-season centers as one of the areas of activities to be incuded in program. The House bill, unlike my amendment, requires that these centers be controlled by the older persons themselves. The House bill also provides that in administering this program, the Director must utilize to the maximum feasible extent the services of the Administration on Aging in accordance with agreements with the Secretary of Health, Education, and Welfare. The conference report adopts the language of the House bill on these two latter points.

In achieving coordination with the programs of the Administration on Aging in HEW, I would expect that the Director of OEO would seek to supplement services for seniors where the AOA has established centers which do not focus sufficiently on the poor. Further, where such services do not exist at all for poor seniors, then I would expect him to move aggressively to make sure they are made available. Action is needed, at this point, and I would hope it would not be postponed pending the outcome of interagency disputes.

The needs of the elderly poor have been set out at length in the subcommittee hearings, and I summarized them in a speech in the Senate on October 3. They are set out also in the Senate com-

mittee report. Further documentation is available in the volumes of hearings of the Special Committee on Aging.

I would reemphasize my hope that OEO move swiftly to implement this new program for our seniors.

There are a large number of other provisions in this conference report, designed to enhance the lives of our elderly poor, which I sponsored. They are intended to strengthen the role of the Assistant Director for the Elderly Poor, a position created under the terms of an amendment I introduced last year. We have not focused enough resources on or attention to our elderly poor—but now OEO has both the mandate and the machinery to do it.

Section 224 requires the Director to encourage the development of neighborhood centers designed to promote the effectiveness of needed services in fields particularly relevant to the needs of the poor, and so organized as to promote the maximum participation of neighborhood residents in center planning, policymaking, administration, and operation. Such centers would be responsive to such neighborhood needs, including counseling, referral, followthrough, and community development activities, as may be necessary or appropriate to best assure a system under which existing programs are extended to the most disadvantaged, are linked to one another, are responsive to the range of community, family, and individual problems, and are fully adapted to neighborhood needs and conditions.

There are two other matters I want to discuss specifically, at this point.

First, the legal services program. Section 222(a)(3) says, in part, that—

> No funds or personnel made available for such program . . . shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

But the statement of the managers on the part of the House, referring to this section says:

> It would prohibit the use of funds or personnel made available for this program for the defense of any person charged with crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director determines that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

From these two excerpts, there appears to be a conflict between the statutory language and the statement of the House managers. The statute permits legal services counsel to be made available to individuals charged with a crime, up through the indictment or information proceedings. The statement of the House managers would seem to prohibit use of legal services counsel by those charged with a crime. It is my recollection of the conferees' discussions of this matter, that legal services counsel were intended to be made available through the indictment or information proceedings. Thus, the statement of the House managers should not be read as restricting the statutory language.

Second, section 603 of the conference report concerning political activities. This section is a modification of section 246 of the House bill. As modified, the conferees intended section 603 only to preclude use of OEO funds themselves to support political activities. They did not intend it to restrict any recipient agency's activities which are not supported by OEO funds.

Mr. President, there are many other important provisions of this conference report—all of them aimed at keeping OEO going strongly forward in its efforts to help the poor help themselves.

I am glad to have had a part in the development of the report, for I consider its provisions crucial to help us meet the unmet needs of America's poor.

The chairman of the Subcommittee on Employment, Manpower, and Poverty, Senator CLARK, deserves the highest praise for his diligence in seeing this bill through the authorization process. It is a stronger and better bill than it would have been without his efforts, and we all owe him a debt of gratitude.

Mr. COOPER. Mr. President, I rise to support the conference report on S. 2388, the Economic Opportunity Amendments of 1967.

I believe that the amendments agreed upon by the Senate-House conferees can make for an improved and more effective bill. I am pleased to note that three of the amendments that I proposed on the floor of the Senate, and which were adopted, have been retained in conference.

Because of criticisms I had received from constituents concerning certain aspects of the program in Kentucky, I introduced amendments to deal with these problems. It was my belief that these amendments would insure certain procedures and safeguards necessary to make the poverty program more effective and responsive to the efforts of our communities in assisting the poor.

The amendments that I offered which were retained in conference are as follows:

First, the present law provides that the assignment of VISTA volunteers shall be under such terms and conditions as the Director may determine but volunteers shall not be assigned to duties or work in any State without the consent of the Governor.

Where an assignment of volunteers has been consented to by the Governor and, at a subsequent time, he does not feel that the volunteers are carrying out their duties in the best interests of the program the present law does not specifically authorize the Governor to request the withdrawal of such volunteeers. I have been informed by the Office of Economic Opportunity that in the absence of explicit statutory authorization it is the policy of the agency to withdraw volunteers at any time at the request of the Governor. My amendment would write this policy into the bill so as to avoid any misunderstanding as to the individual responsibilities of the Governor and the Director.

My second amendment as modified by an amendment of Senator BYRD of West Virginia, requires that the Director of OEO employ the same procedures and information of all volunteer applicants in the VISTA programs as is required of those who are selected as representatives of VISTA. In securing its applicants to serve as volunteers in its programs VISTA uses application forms substantially the same as those used by the civil service. Where such applications reveal circumstances indicating criminal activities, subversive activities or other forms of misconduct, VISTA then refers the application to the FBI for further investigation and where the charges are substantiated the application is denied.

However, with respect to volunteers who are selected by other agencies funded by OEO, there are no similar procedures or requirements. For example, the Appalachian volunteers have received several million dollars from OEO, but as far as OEO is aware the Appalachian volunteers has no procedures to screen and select their applications, and the Director of OEO has no control over their selection or approval.

This amendment would make applicable to all categories of volunteers the same procedures so as to assure the selection of persons with proper qualifications and good character. At the same time, this amendment would authorize the Director to prescribe other qualifications for those volunteers selected from the poor and low-income residents of the area to be served who cannot meet the educational qualifications of the VISTA applicants.

A third amendment that I introduced and which the conferees accepted requires the Director to make arrangements under which State as well as local bar associations would be consulted and afforded an opportunity to submit comments and recommendations on the legal services projects before they are approved and funded. In addition the Senate bill contained a provision, not in the House bill, which requires the Director to seek the comments and recommendations of the State and local bar associations on the conduct and operation of a legal services program after that program had been approved and funded. I am pleased to note that this provision was retained in conference. It is important that State and local bar associations, after an initial OEO grant has been made, exercise a continuing review of the operations of these projects so as to make certain that they are carried out in the manner that they were originally proposed and that they are administered to meet the particular needs of the local community in keeping with the recommendations of bar association members.

Mr. President, I ask unanimous consent that the text of section 222(a)(3), followed by the comments on this provision contained in the conference report, be included in the RECORD at this point.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

SECTION 222(A)(3)

(3) A "Legal Services" program to further the cause of justice among persons living in poverty by mobilizing the assistance of law-

yers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. Projects involving legal advice and representation shall be carried on in a way that assures maintenance of a lawyer-client relationship consistent with the best standards of the legal profession. The Director shall make arrangements under which the State bar association and the principal local bar associations in the community to be served by any proposed project authorized by this paragraph shall be consulted and afforded an adequate opportunity to submit, to the Director, comments and recommendations on the proposed project before such project is approved or funded, and to submit, to the Director, comments and recommendations on the operations of such project, if approved and funded. No funds or personnel made available for such program (whether conducted pursuant to this section or any other section in this part) shall be utilized for the defense of any person indicted (or proceeded against by information) for the commission of a crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director has determined that adequate legal assistance will not be available for an indigent defendant unless such services are made available.

CONFERENCE REPORT COMMENTS

Both the Senate bill and the House amendment contain provisions relating to Legal Services programs. The Senate bill provides that these programs must further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services. The comparable provision of the House amendment requires that legal services programs provide legal advice and legal representation to persons when they are unable to afford services of a private attorney, together with legal research and information as appropriate to mobilize the assistance of lawyers or legal institutions, or combinations thereof, in the furtherance of the cause of justice among persons living in poverty. On this difference the House recedes. The Senate bill requires the Director to make arrangements under which State and local bar associations would be consulted and afforded an opportunity to submit comments and recommendations on the project before it is approved and funded and to submit comments and recommendations on the operation of the project after it is approved and funded. The comparable provision of the House bill requires the Director to establish procedures to assure that the principal local bar association is afforded ample opportunity to submit comments and recommendations on the proposal before it is approved or funded. The conference report adopts the Senate language, but with the addition of the word "principal". The House amendment also contains a provision, which has no counterpart in the Senate bill, which provides that no funds or personnel made available for the legal services program under whatever provision of the act it is conducted, shall be utilized to organize or assist in organizing any unlawful demonstration or civil disturbance, or for the defense of any person charged with participating therein, or with the commission of a crime committed in the course thereof, if such person organized or assisted in organizing such demonstration or civil disturbance. The conference substitute contains a modification of this provision. As modified, it would prohibit the use of funds or personnel made available for this program for the defense of any person charged with crime, except in extraordinary circumstances where, after consultation with the court having jurisdiction, the Director determines that adequate legal assistance will not be available for an indigent defendant unless such services are made available. The portion of this provision dealing with use of program funds and personnel to organize or assist in organizing unlawful demonstrations or civil disturbances is treated in the new section 613.

Mr. COOPER. Mr. President, a fourth amendment that I proposed, and which was adopted on the Senate floor, required that the chief elected official or officials of a community have the opportunity to serve on their community action board and if such official desired not to serve, to designate a person to serve in his place. In addition, the amendment specifically provided for membership on community action boards of representatives of business, labor, religious, or other major groups and interests in the community.

I am pleased to note that the conferees accepted the provision of the House bill which is more comprehensive and far reaching and requires that a community action agency must be a State or political subdivision of a State, or combination of political subdivisions, or a public or private nonprofit agency designated by the State or a political subdivision or combination thereof, so long as it has the power to enter into contracts with public or private nonprofit agencies and organizations to assist in fulfilling the purposes of the title, and is designated as a community action agency by the Director.

It is my belief that if community action programs are to be successful the support of all the community is necessary, not only its private citizens and organizations, but the governing officials of the community, as well. Further, it is not only appropriate but necessary to mobilize all local resources, including funds, and the abilities and capacities of the community's officials, and to fix responsibility on those who operate the programs. As one who has supported these programs, I want them to succeed.

In conclusion, Mr. President, I would like to pay my respects to the Senator from Pennsylvania [Mr. CLARK], the floor manager of the bill, the ranking minority member of the Senate Committee on Labor and Public Welfare [Mr. JAVITS], and other committee members whose efforts and hard work over a long period of time have made this legislation possible.

Mr. KENNEDY of New York. Mr. President, as we near the completion of Senate action on the poverty legislation, I would like to take this opportunity to congratulate the Senator from Pennsylvania [Mr. CLARK] and Bill Smith and Howard Hallman of his staff, on the truly remarkable job they have done throughout the year on this legislation.

Senator CLARK held hearings all over the country and his staff ably supervised the work of many consultants in evaluating the poverty program. They guided the bill through committee and through floor consideration with great skill.

But perhaps the finest work that Senator CLARK did was in presiding over the conference. It was a long and difficult conference, and Senator CLARK was patient and thoroughly committed to the Senate approach throughout. His diplomacy and leadership were critical in getting a bill that is as good as the one before us. The bill has its deficiencies, but it would be far less acceptable but for the work of Senator CLARK.

The work of Bill Smith and Howard Hallman on the conference was equally important. They prepared all of the material that the conferees needed and worked long hours on developing compromise positions that would be acceptable to the House and satisfactory to the poor people of our country. The Senator from Pennsylvania and his staff deserve the thanks of all of us today.

Mr. JAVITS. Mr. President, I am ready to vote.

Mr. CLARK. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on the adoption of the conference report. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. MAGNUSON], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS], are absent on official business.

I also announce that the Senator from Ohio [Mr. LAUSCHE], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Maine [Mr. MUSKIE], the Senator from Mississippi [Mr. STENNIS], and the Senator from Georgia [Mr. TALMADGE] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. MAGNUSON], the Senator from Maine [Mr. MUSKIE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Maryland [Mr. TYDINGS] would each vote "yea."

On this vote, the Senator from Hawaii [Mr. INOUYE] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Utah [Mr. MOSS] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Illinois [Mr. DIRKSEN], the Senator from California [Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Nebraska [Mr. HRUSKA] is absent because of death in his family.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

If present and voting, the Senator from Illinois [Mr. DIRKSEN] would vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Idaho [Mr. JORDAN]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Idaho would vote "nay."

On this vote, the Senator from Pennsylvania [Mr. SCOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Pennsylvania would vote "yea" and the Senator from Texas would vote "nay."

On this vote, the Senator from California [Mr. MURPHY] is paired with the Senator from Utah [Mr. BENNETT]. If present and voting, the Senator from California would vote "yea," and the Senator from Utah would vote "nay."

The result was announced—yeas 62, nays 16, as follows:

[No. 380 Leg.]

YEAS—62

Aiken	Gore	Mondale
Anderson	Griffin	Monroney
Baker	Gruening	Montoya
Bartlett	Hansen	Morse
Bayh	Harris	Morton
Bible	Hart	Mundt
Boggs	Hartke	Nelson
Brewster	Hatfield	Pastore
Brooke	Hayden	Pearson
Burdick	Jackson	Pell
Byrd, W. Va.	Javits	Percy
Cannon	Kennedy, Mass.	Proxmire
Carlson	Kennedy, N.Y.	Randolph
Case	Kuchel	Smith
Church	Long, Mo.	Spong
Clark	Mansfield	Symington
Cooper	McGee	Williams, N.J.
Cotton	McGovern	Yarborough
Dodd	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Fulbright	Miller	

NAYS—16

Byrd, Va.	Hickenlooper	Smathers
Curtis	Hill	Sparkman
Dominick	Holland	Thurmond
Eastland	Jordan, N.C.	Williams, Del.
Ervin	McClellan	
Fannin	Russell	

NOT VOTING—22

Allott	Lausche	Ribicoff
Bennett	Long, La.	Scott
Dirksen	Magnuson	Stennis
Ellender	McCarthy	Talmadge
Hollings	Moss	Tower
Hruska	Murphy	Tydings
Inouye	Muskie	
Jordan, Idaho	Prouty	

So the conference report was agreed to.

Mr. CLARK. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I again commend the distinguished Senator from Pennsylvania [Mr. CLARK] for the initiative and the effectiveness he has shown.

Mr. HOLLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. In his handling of the poverty bill throughout the hearings, and during the consideration of the measure on the floor, Senator CLARK demonstrated outstanding skill and leadership. He exhibited those same qualities as the chairman of the conference, maintaining a high degree of fidelity to the intent of the Senate, and certainly indicating clearly and strongly again, his deep interest in the people of this country, his effective response to those who are in such dire need of help. His efforts deserve the high commendation of the Senate.

I wish also, at this time to extend my congratulations to the distinguished Senator from New York [Mr. JAVITS] and to the others who serve on the committee. The extensive hearings conducted here and in the field—in the cities and poverty areas; the long and arduous labors—in excess of 20 days in the conference, all served to produce, I think, an exceedingly good and sound bill for the interests of the poor people of this country. So, we have the committee members to thank. Their devoted efforts were certainly exemplary.

Mr. JAVITS. Mr. President, will the Senator yield very briefly?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I just wanted to note that the Senator from Vermont [Mr. PROUTY] is the ranking minority member of the Employment and Manpower Subcommittee, which handled this bill. He gave it indefatigable attention, faithfully attended the hearings in the field, came to as much of the conference as he could, probably more than he should, and then had to go to the hospital for a checkup; and I think his name must be mentioned most favorably and graciously in this connection.

Mr. MANSFIELD. I concur wholeheartedly. I did not mention him because I knew he was in the hospital; but I, too, know where his heart and hope would have been had he been here.

Mr. CLARK. Mr. President, I thank the majority leader for his kind words. I should like the RECORD to show the great gratitude that I feel, personally, for the unfailing help, devotion to duty, and assistance which were given in pressing this bill through the Senate, and then in completing the conference agreement, by all of the members of the Subcommittee on Employment, Manpower, and Poverty. Their names should be mentioned: The two Senators KENNEDY, Senator RANDOLPH, Senator PELL, Senator NELSON, Senator JAVITS, Senator PROUTY, and Senator MURPHY. Without their assistance, we could never have put this bill, which is essentially bipartisan in its concept and its execution, through Congress.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Pennsylvania may proceed.

Mr. CLARK. I should also like to pay special tribute to the members of the staff of the Subcommittee on Manpower, Employment, and Poverty, who did an extraordinarily able job, without regard to working hours, in helping us on this matter, particularly Mr. William Smith and Mr. Howard Hallman, but also the staff members of individual Senators, including Mr. Petrocelli, Mr. Walinsky, and a number of others, who were of great help to us in bringing this bill to conclusion.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CLARK. I yiled.

Mr. JAVITS. I should like to join the Senator from Pensylvania in his tribute to the staff, and to pay special tribute to Mr. Smith and Mr. Petrocelli, who I think were the real stalwarts in this whole matter.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CLARK. I yield the floor.

Mr. PELL. I should like to join in paying tribute to the Senator from Pennsylvania for his remarkable patience, calmness, and good nature throughout these hearings, and also for his indefatigable effort in conducting as many hearings as he did, as shown by the stack of volumes on our desks.

STANDARDS OF CONDUCT

Mr. STENNIS. Mr. President, as the chairman of the Select Committee on Standards and Conduct, I wish to make a brief report to the Senate on the state of the committee's proposed recommendations to the Senate on standards of conduct by Members of the Senate, and by officers and employees of the Senate. The committee expects to put its recommendations into final form next week. In addition to the standards, the committee is still engaged in the preparation of a detailed report to accompany them. Because the current session of Congress is nearing an end, there is not sufficient time for the Senate to fully and properly consider our recommendations. We regret that circumstances beyond the control of the committee, which included other duties of the committee, made it impossible to complete these recommendations and report earlier in time for full consideration at this session.

The committee requests that the leadership set a time in January 1968 for consideration of the proposed standards which will be submitted as additions to the rules of the Senate.

It is not known now at what date we shall reassemble in January, and for that reason I did not request of the leadership a specific date, but I did discuss this with the leadership, and this suggestion is generally acceptable to them. So we will leave it on that basis.

As the recommended standards are not in final form at the moment and the committee's report has not been fully prepared, it would be premature to attempt to describe our proposals at this time. The committee has made a determined effort, for a period of over 2 years, to explore most of the ethical problems of conduct by Senators, and by officers and employees of the Senate, that have arisen in recent years, and to consider the various solutions that have been proposed both within and outside of the committee.

The subjects of our standards will include most of the items mentioned in my letter to Senators dated July 20, 1967, as well as other matters. I ask unanimous consent to have included in the RECORD at this point a copy of the letter just mentioned.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, SELECT COMMITTEE ON STANDARDS AND CONDUCT,
July 20, 1967.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR: The Select Committee on Standards and Conduct is undertaking the preparation of standards of conduct for Members of the Senate, and officers or employees of the Senate. In view of the novelty and the varied views of such standards, the Committee would like to have your proposals or ideas for consideration.

Because little experience is available, the Committee has not yet finally defined the areas of activity which should be governed by standards. The following broad subjects are being considered by the Committee or have been advocated by others:

1. Outside professional, business, or financial activities of Senators.
2. Gifts to Senators, including testimonials.
3. Disclosure of income or assets by Senators.
4. Outside professional, business, or financial activities, or employment of staff members.

The itemization of these suggested subjects is not intended to preclude other areas that may properly be included in a code.

Certain areas, such as regulation of travel and limitations on campaign finances, are more clearly within the cognizance of other Committees of the Senate.

Your comments and suggestions will be appreciated and will be subject to careful examination by the Committee. Please address any reply to me at room 222 of the old Senate Office Building.

Sincerely yours,

JOHN STENNIS,
Chairman.

Mr. STENNIS. Mr. President, our recommendations, together with the report thereon, will be completed and released in time for study and analysis prior to consideration by the Senate.

OCEAN SPACE, THE UNITED NATIONS, AND THE SENATOR FROM RHODE ISLAND, MR. PELL

Mr. MANSFIELD. Mr. President, the ocean deeps constitute the last frontier of the globe. Until recent years this vast region was for the most part an unknown in the environment of man. Scientific and engineering techniques are now bringing it more and more within the reach of human exploration and utilization. By the same token, however, the region is also coming ever more fully into the range of chaotic exploitation and despoliation.

The manner in which ocean space is entered, probed and utilized will be of the greatest importance to the people of the world in the coming decades. On the basis of sensible international cooperation there exists in the region an immense potential for benefit for all. At the same time, there is an immense potential for damage to all, if the increasing contact with ocean space proceeds on the basis of random exploitation or shortsighted national rivalries.

In short, the need is apparent. The nations of the world have a common interest—as they had in connection with Antarctica and as they had in connection with outer space—in exploring the questions which are posed by the human penetration of the ocean deeps in order to try to come up with ground rules, so to speak, for human activity in that region.

The distinguished Senator from Rhode Island [Mr. PELL] has been among the first to recognize this problem. He has had a sustained interest in oceanography for many years. That interest, coupled with a long experience in international relations, has led him to introduce two Senate Resolutions 172 and 186 which are now before the Foreign Relations Committee. The resolutions have as their purpose the development of a sound national policy on ocean space and the encouragement of rational international practices in the management of the regions beneath the extraterritorial waters of the world, to the end that there will be peaceful access and constructive and cooperative use of these areas by all nations.

Senator PELL's pioneering efforts in the Senate are already reflected in U.S. policies and find a counterpart in the work of the U.S. mission at the United Nations. Ambassador Goldberg has urged the General Assembly to establish a Committee on the Oceans. By that medium, it is to be hoped that it will be possible for the world community to begin to face up to the questions which are posed by the expanding entry of man, in scientific and commercial pursuits, into ocean space. What is involved here is a range of problems which have to do with the preservation of peace and security, the conservation of immense resources, the avoidance of radiation and other forms of pollution and many other critical public questions.

Ambassador Goldberg recently suggested that there is a clear need to create "general standards and principles to guide states and their nationals in the exploration and use of the deep ocean floor." He went on to point out:

> All of our knowledge about the deep ocean floor and all of our technological skill in exploiting its resources could prove of little value if man's law-making faculty does not keep pace.

A U.N. Committee on the Oceans, as he has proposed, might well prove to be a most helpful instrument. I share with Senator PELL and many others the hope that Ambassador Goldberg will be successful in persuading the General Assembly to recognize the necessity for a new international initiative of this kind. It would be my further hope that the most careful consideration will be given to the resolutions which the Senator from Rhode Island [Mr. PELL] has introduced. The able and distinguished Senator has already made a great contribution to the Senate's and the Government's awareness of the new problems and potentialities of ocean space, and he will perform an outstanding service to the Nation if he will continue to give to the Senate and the executive branch the benefit of his leadership in these questions, particularly, as they interrelate with our foreign relations and the United Nations.

Mr. PELL. Mr. President, I thank the distinguished Senator from Montana for his immensely kind words. And I would like to add encouraging news from New York to what the distinguished Senator from Montana has just said.

Yesterday the Government of Belgium tabled a resolution before the General Assembly calling for an ad hoc committee to study the scope and various aspects of the seabeds. I understand that the resolution has already picked up 38 sponsors and no objections have been voiced as yet.

Thus, the necessary first action toward adoption of Ambassador Goldberg's proposed Committee on the Oceans appears close to achieving a consensus in the U.N.

I commend Ambassador Goldberg for his impending initial success on the way to the ultimate rule of law for ocean space.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a copy of the draft resolution on seabeds to which I have referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

BELGIUM DRAFT RESOLUTION ON SEABEDS
TABLED DECEMBER 7, 1967

The General Assembly, Having considered the item "examination of the question of reservation exclusively for peaceful purposes of the seabed and ocean floor, and subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction, and uses of their resources in the interests of mankind,"

Noting that developing technology is making the sea-bed and ocean floor, and subsoil thereof, accessible and exploitable for scientific, economic, military and other purposes,

Recognizing the common interest of mankind in the sea-bed and ocean floor which constitute the major portion of the area of this planet,

Recognizing further that exploration and use of the sea-bed and ocean floor, and subsoil thereof, as contemplated in the title of the item, should be conducted in accordance with the principles and purposes of the Charter of the United Nations, in the interest of maintaining international peace and security and for the benefit of all mankind,

Mindful of the provisions and practice of the Law of the Sea relating to this question,

Mindful further of the importance of preserving the sea-bed and the ocean floor, and subsoil thereof, as contemplated in the title of the item, from actions and uses which might be detrimental to the common interest of mankind,

Desiring to foster greater international cooperation and coordination in further peaceful exploration and use of the sea-bed and ocean floor, and subsoil thereof, as contemplated in the title of the item,

Recalling past and continuing valuable work carried out by competent organs of the United Nations, specialized agencies, IAEA and other intergovernmental organizations, on questions relating to this matter,

Recalling further that surveys are being prepared by the Secretary-General in response to General Assembly resolution 2172 (XXI) and ECOSOC resolution 1112 (XL),

1. *Decides* to establish an *ad hoc* committee on sea-beds representative of member States to study the scope and various aspects of this item;

2. *Requests* the *ad hoc* committee, in cooperation with the Secretary-General, to prepare for consideration by the General Assembly at its twenty-third session a study which would include:

(1) A survey of past and present activities of the United Nations, special agencies, IAEA and other intergovernmental bodies with regard to sea-bed and ocean floor, and

of existing international agreements concerning these areas;

(2) An account of scientific, technical, economic, legal and other aspects of this item;

(3) Indications regarding practical means to promote international cooperation in exploration, conservation and use of sea-bed and ocean floor and subsoil thereof, as contemplated in the title of the item, and of their resources, having regard to views expressed and suggestions put forward by member States during consideration of this item at the Twenty-Second Session of the General Assembly;

3. *Requests* the Secretary-General

(1) To transmit the text of this resolution to governments of all member States in order to seek their views on the subject;

(2) To transmit to *ad hoc* committee the records of the First Committee relating to discussion of this item;

(3) To render all appropriate assistance to the *ad hoc* committee, including submission thereto of results of studies being undertaken in pursuance of General Assembly resolution 2172 (XXI) and ECOSOC resolution 1112 (XL) and such documentation pertinent to this item as may be provided by UNESCO and its IOC, IMCO, FAO, WMO,WHO, IAEA, and other intergovernmental bodies;

4. *Invites* specialized agencies, IAEA, and other intergovernmental bodies to cooperate fully with the *ad hoc* committee in implementation of this resolution.

Mr. COTTON. Mr. President, I join in and am in complete sympathy with the expressions of the distinguished majority leader. I also join him in commending the distinguished Senator from Rhode Island [Mr. PELL] for his interest and activity in the matter of oceanography and the marine sciences.

I could not, however, let this moment pass without making sure that the RECORD also shows what has been done and is being done on our part—by our part, I mean our country and the Congress—in this matter, in addition to the very praiseworthy efforts of the distinguished Senator from Rhode Island [Mr. PELL].

I would mention that the distinguished Senator from Washington [Mr. MAGNUSON], as chairman of the Committee on Commerce, has for a period of years been extremely interested in the development of oceanography. It was through his kindness that I, as ranking minority member, was permitted to associate myself with him in sponsoring a bill to bring together, coordinate, and correlate the oceanographic and marine scientific activities in this country.

For a period of years these activities have been spread throughout various agencies and departments of the Government. The Coast Guard has performed its part. The Department of the Interior has had a finger in the pie. The Atomic Energy Commission has participated. And there has been a lack, not of activity, but of correlation.

As a result, empowered by the act which resulted from our bill, the President has created two commissions. The Senator from Washington and the Senator from New Hampshire serve on one of these commissions, representing the Senate, and two members of the House Committee on Interstate and Foreign Commerce also serve.

That Commission is doing its work at the present time, and its task force is engaged in a careful consideration of how best to develop the ocean bottom and its resources, with proper control and with fairness to all nations.

I think the distinguished Senator from Rhode Island has done well to present resolutions to the Senate urging the United Nations to lay the groundwork and plow the way. And the distinguished representative of this country in the United Nations has, as I understand it, responded favorably to that action.

I do want to say, however, that it must be remembered that the resources of the oceans are not only valuable from a scientific standpoint and from a standpoint of food, but they may also prove, and bid fair to prove, valuable in countless other ways.

There has already been evidence in the General Assembly of the United Nations of a disposition on the part of some of the small and struggling nations to obtain from the results of the development of the ocean bottom financial support for the United Nations and for their own development.

I think it would be well for this country to bear in mind that the older members of the United Nations are still financing that body, while being completely and overwhelmingly outvoted by the younger members, whose rights must be most carefully respected, but who do not have the capacity to finance the development of the ocean floor.

I think we should bear in mind that the interests of this Nation and other nations must be carefully preserved, although the United Nations may well be—and I do not for a moment say that it is not proper that it should be—the instrumentality for laying down ground rules. In this spirit, I introduced a resolution which was considered by the Committee on Foreign Relations at the same time the committee considered the two resolutions of the distinguished Senator from Rhode Island.

My resolution was simply to the effect that we must proceed with caution in this area and not in a headlong fashion. I, for one, would like to see the President's Commission make its recommendations and its suggestions for orderly and fair development of the resources of the ocean before we go too fast in permitting the United Nations to lay down rules of procedure.

My position is not contrary to that of the distinguished Senator from Rhode Island. I think he is rendering a fine service in pushing this project ahead and doing the groundwork. Indeed, with that slight reservation, I most certainly commend both the distinguished majority leader and the distinguished Senator from Rhode Island, and I join in the sentiments they have expressed.

Mr. PELL. Mr. President, I thank the Senator from New Hampshire for his kind words.

I also wish to express my gratitude for the help that the senior Senator from Washington has been in the entire development of my own ideas in oceanology. I particularly appreciate the willingness of the Senator from Washington to permit us to hold hearings on the sea grant college bill. Without his cooperation, we could not have got this new program through Congress.

The sea grant college program can prove to be as valuable for the United States and the world in obtaining food and mineral resources from the seas as was the Land Grant College Act of 1863 for American agriculture.

In connection with the subject at hand, the work that Senator MAGNUSON did in setting up the President's Commission, providing the legislative framework towards how best to set our country's course in oceanology, together with the assistance rendered by the Senator from New Hampshire, has been outstanding.

I agree that we must see what the results and the recommendations of that Commission are. On the subject of ocean space, I believe we have a very real responsibility to work for a reasonably solid international legal position that will not be behind the advances of technology. What concerns me is that we may find the methods of exploiting ocean space already upon us, without any real idea as to how to bring rule and proper procedures to this activity. Incidentally, I define ocean space as the sea, seabed, and subseabed beyond the territorial seas and continental shelves.

At this time, one sees two extremes of thought. One would turn over the entire resource of ocean space to the United Nations, and have its usufruct distributed to the poor countries. The other would be to retain it all for those nations which have the technological and defense abilities to exploit it; I do not believe that would be right for the long haul.

What I seek to do is to develop a middle view, a consensus of thought, between both these extremes which would provide for a proper, flexible, United Nations supervised licensing arrangement so that American industry can use to the full technology that is almost at hand.

I again thank the majority leader and the Senator from New Hampshire for their kind words.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from South Carolina yield to me, so that I may call up the calendar?

Mr. THURMOND. I yield.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 830.

The PRESIDING OFFICER. Without objection, it is so ordered.

WONG WAH SIN

The bill (S. 2018) for the relief of Wong Wah Sin was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Wong Wah Sin may be issued a visa and be admitted to the United States for

permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 845), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has sought to procure a visa by misrepresenting a material fact in behalf of the son of a U.S. citizen.

DR. ROBERT L. CESPEDES

The bill (S. 2132) for the relief of Dr. Robert L. Cespedes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Robert L. Cespedes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of October 30, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 846), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Robert L. Cespedes as of October 30, 1960, thus enabling him to file a petition for naturalization.

DR. JOSE J. GUIJARRO

The bill (S. 2149) for the relief of Dr. Jose J. Guijarro was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jose J. Guijarro shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 17, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 847), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Jose J. Guijarro as of August 17, 1961, thus enabling him to file a petition for naturalization.

DR. MARIO G. MENDEZ

The bill (S. 2249) for the relief of Dr. Mario G. Mendez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Mario G. Mendez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 16, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 848), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Mario G. Mendez as of March 16, 1962, thus enabling him to file a petition for naturalization.

KELLEY MICHELLE AUERBACK

The Senate proceeded to consider the bill (S. 2318) for the relief of Kelley Michelle Auerback which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Kelley Michelle Auerbach may be classified as a child within the meaning of section 101(b)(1)(F) of the said Act, upon approval of a petition filed in her behalf by Mrs. Kay J. Auerbach, a citizen of the United States, pursuant to section 204 of the said Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 851), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the entry into the United States, in an immediate relative status, of the adopted alien daughter of a U.S. citizen. The bill has been amended in accordance with established precedents.

DR. JUAN JOSE VILLA-CAMPOS

The bill (S. 2380) for the relief of Dr. Juan Jose Villa-Campos was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Juan Jose Villa-Campos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 17, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 849), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Juan Jose Villa-Campos as of May 17, 1963, thus enabling him to file a petition for naturalization, after May 17, 1968.

DR. TEOBALDO CUERVO-CASTILLO

The bill (S. 2403) for the relief of Dr. Teobaldo Cuervo-Castillo was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Teobaldo Cuervo-Castillo shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 23, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 850), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. HERIBERTO JOSE HERNANDEZ-SUAREZ

The bill (S. 2404) for the relief of Dr. Heriberto Jose Hernandez-Suarez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Heriberto Jose Hernandez-Suarez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 3, 1960.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 852), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Heriberto Jose Hernandez-Suarez as of September 3, 1960, thus enabling him to file a petition for naturalization.

DR. RAUL AGUSTIN PEREIRA-VALDES

The bill (S. 2488) for the relief of Dr. Raul Agustin Pereira-Valdes was con-

sidered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Raul Agustin Pereira-Valdes shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 10, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 854), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

LEONARDO E. ARTEAGA

The bill (S. 2492) for the relief of Leonardo E. Arteaga was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2492

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Leonardo E. Arteaga shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 23, 1961.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 855), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

DR. JESUS ORTIZ RICOTE

The bill (S. 2495) for the relief of Dr. Jesus Ortiz Ricote was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jesus Ortiz Ricote shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 20, 1962.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 856), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the beneficiary to file a petition for naturalization.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

The bill (H.R. 2138) to amend section 319 of the Immigration and Nationality Act to permit naturalization for certain employees of U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interest, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 858), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to provide that the period of residence abroad in the employ of certain U.S. nonprofit organizations engaged in disseminating information which significantly promotes U.S. interests shall be considered as constructive residence and constructive physical presence in the United States for naturalization purposes.

STATEMENT

The general requirements for naturalization are in section 316(a) of the Immigration and Nationality Act, as amended. That section reads as follows:

"SEC. 316. (a) No person, except as otherwise provided in this title, shall be naturalized unless such petitioner, (1) immediately preceding the date of filing his petition for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least five years and during the five years immediately preceding the date of filing his petition has been physically present therein for periods totaling at least half of that time, and who has resided within the State in which the petitioner filed the petition for at least six months, (2) has resided continuously within the United States from the date of the petition up to the time of admission to citizenship, and (3) during all the periods referred to in this subsection has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States."

Section 316(b) provides that absence from the United States for a period of a year or more breaks the continuity of residence for naturalization.

There are employees of certain U.S. nonprofit organizations such as Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, who have been admitted to the United States for permanent residence but by virtue of their employment are necessarily regularly stationed abroad and thus are unable to satisfy the physical presence requirement and, in some cases, the residence requirement to be eligible for naturalization.

This bill will permit such employees to be absent from the United States for periods in excess of 1 year without breaking the continuity of the required 5-year period of continuous residence in the United States prescribed in section 316(a), and will waive the required 30 months of physical presence within that period and the required 6-month period of residence within a particular State, the loss of continuity of residence for remaining out of the United States for a year or more, thereby permitting the naturalization of the persons contemplated.

The persons who will be affected must have been admitted to the United States for permanent residence in accordance with all provisions of law, must have been continuously employed for a period of not less than 5 years after such admission for permanent residence, by the specified organizations, and with the exception of the residence and physical presence requirements, must satisfy all provisions of law relating to naturalization. This includes good moral character and attachment to the principles of the Constitution of the United States.

In hearings on this bill before the Immigration and Nationality Subcommittee of the Committee on the Judiciary of the House of Representatives, testimony was received from officials of the Department of Justice, the Department of State, Free Europe, Inc., and Radio Liberty Committee. The witnesses emphasized that only employees of specified organizations recognized by the Attorney General would be encompassed within the provisions of this legislation. It was developed that approximately 117 people would be eligible for the constructive residence and physical presence benefits.

The organizations which will presently qualify under the terms of this bill are Free Europe, Inc., which operates Radio Free Europe and Radio Liberty Committee, both of which perform highly useful research and analysis of developments in Eastern Europe and the Soviet Union, respectively. They conduct extensive radio broadcasting programs overseas in local languages which are heard by millions of people. This service substantially enlarges the amount of factual information available to inhabitants of these countries and affords them an opportunity to hear other than officially approved comment on public affairs from their own governments. There is no doubt that this penetration into countries ruled by Communist regimes promotes the interests of the United States.

Radio Free Europe, and Radio Liberty Committee could not achieve such effect without the assistance of employees who are emigres from the countries addressed. It is a paradox that some of these individuals who aspire to become U.S. citizens are, under existing law, unable to do so without giving up the work which constitutes a valuable service to the United States. The committee is confident that these two organizations, under the direction of distinguished Americans, are operating effectively and respectably.

The persons who will benefit by this bill formerly held positions of prominence and stature in their native countries. Many have suffered under communism. They have worked under American management and supervision, some for as long as 16 years. They are all idealistically motivated and are persons of proven ability and dedication to the best interests of the United States. It is only their employment outside of the United States which has prevented their naturalization as U.S. citizens. In order to continue their permanent residence status in the United States, they have secured reentry permits and have returned to the United States for short periods every 2 years.

Under existing provisions of the Immigration and Nationality Act, periods of residence abroad by certain employees of the U.S. Government, of American institutions of research, of American firms or corporations engaged in the development of foreign trade and commerce, and of certain public international organizations are recognized as constructive residence in the United States for naturalization purposes under specified conditions. Under the provisions of section 316 (b) of that act, a person who is engaged in such employment after having been lawfully admitted for permanent residence and who has resided and been physically present in the United States for an uninterrupted period of 1 year may preserve the continuity of his residence in the United States for naturalization purposes while residing abroad if he establishes to the satisfaction of the

Attorney General that his absence from the United States is required in connection with such employment. While such periods of residence abroad are recognized as constructive residence for naturalization purposes, it is only in the case of the employee of the U.S. Government that the periods of time spent abroad may also be recognized as constructive physical presence.

The minister, priest, missionary, brother, nun, or sister engaged in religious activities abroad obtains both constructive residence and constructive physical presence benefits for naturalization under section 330 of the Immigration and Nationality Act.

The spouse of a U.S. citizen employed by the U.S. Government, an American institution of research or an American firm or corporation engaged in the development of foreign trade, or who is performing ministerial or priestly functions or who is engaged as a missionary may be naturalized immediately following a lawful admission for permanent residence without any residence or physical presence whatsoever under the provisions of section 319(b) of the Immigration and Nationality Act, if the spouse is regularly stationed abroad in such activity.

ISAAC CHERVONY

The bill (H.R. 3528) for the relief of Isaac Chervony, M.D., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 862) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Isaac Chervony as of September 13, 1962, thus enabling him to file a petition for naturalization.

MRS. INGE HEMMERSBACH HILTON

The bill (H.R. 6096) for the relief of Mrs. Inge Hemmersbach Hilton was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 868), explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Inge Hemmersbach Hilton. No quota charge is provided for in the bill, inasmuch as the beneficiary was previously lawfully admitted for permanent residence.

DR. JESUS JOSE EDUARDO GARCIA

The Senate proceeded to consider the bill (S. 2489) for the relief of Dr. Jesus Jose Eduardo Garcia which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "of", strike out "September 15, 1962" and insert "September 14, 1962."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jesus Jose Eduardo Garcia shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 14, 1962.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 879), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to file a petition for naturalization. The bill has been amended to reflect the proper date upon which he entered the United States.

MR. AND MRS. CHRISTOS PHOTINOS-SVORONOS

The Senate proceeded to consider the bill (H.R. 3031) for the relief of Mr. and Mrs. Christos Photinos-Svoronos which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "of", where it appears the second time, strike out "a petition" and insert "respective petitions".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 880), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the admission to the United States in an immediate relative status of the adoptive parents of a U.S. citizen. The bill has been amended in accordance with the suggestion of the Immigration and Naturalization Service and the Department of State.

PANAGIOTIS PAULUS

The Senate proceeded to consider the bill (H.R. 5575) for the relief of Panagiotis Paulus which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 8, after the word "Act", insert a colon and "*Provided,* That no brothers or sisters of the said Panagiotis Paulus shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 881), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the adjustment of status as an immediate relative of the alien adopted son of citizens of the United States. The bill has been amended in accordance with established precedents.

PFC. ALFRED SEVENSKI

The Senate proceeded to consider the bill (H.R. 8476) to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

That Private First Class Alfred Sevenski, a native of Germany, who served honorably in the United States Army from May 11, 1964, until his death on November 5, 1966, shall be held and considered to have been a citizen of the United States at the time of his death.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 883), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to confer U.S. citizenship posthumously upon Pfc. Alfred Sevenski. The bill has been amended in accordance with established precedents.

MANUEL DE BENITO SUPNET

The Senate proceeded to consider the bill (S. 265) for the relief of Manuel de Benito Supnet which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 4, after the word "Manuel", strike out "de" and insert "Pe"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Manuel *Pe* Benito Supnet shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon the payment of the required visa fee. Upon the granting of permanent residence to such alien as provided in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 884), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Manuel Pe Benito Supnet as of the date of the enactment of this act. The bill provides for an appropriate quota deduction and for the payment of the required visa fee. The purpose of the amendment is to correct the spelling of the beneficiary's name.

The title was amended, so as to read: "A bill for the relief of Manuel Pe Benito Supnet."

DR. JOSEPH E. STAPLETON

The Senate proceeded to consider the bill (S. 2118) for the relief of Dr. Joseph E. Stapleton which had been reported from the Committee on the Judiciary, with amendments, in line 5, after the word "States", insert "for permanent residence as"; and in line 7, after the word "has", strike out "stayed" and insert "resided"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Joseph E. Stapleton shall be held and considered to have been lawfully admitted to the United States for permanent residence as of April 1, 1952, and the periods of time he has resided in the United States since that date shall be held and considered to meet the residence and physical presence requirements of section 316 of such Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 885), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to grant the status of permanent residence in the United States to Dr. Joseph E. Stapleton as of April 1, 1952, thus enabling him to file a petition for naturalization. The bill has been amended in accordance with the suggestion of the Immigration and Naturalization Service.

BILL PASSED OVER

The bill (H.R. 1411) to amend title 39, United States Code, with respect to the use of the mails to obtain money or property under false representation and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

DISTRICT OF COLUMBIA SPACE RENTAL ACT

The Senate proceeded to consider the bill (S. 1247) to authorize the Commissioners of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under said streets and the correction of dangerous conditions of vaults in or vault openings on public space, and for other purposes which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SHORT TITLE, STATEMENT OF FINDINGS, AND POLICY DEFINITIONS

SEC. 101. This Act may be cited as the "District of Columbia Public Space Rental Act".

SEC. 102. The Congress finds that there is demand in the District for the use of public space for private gain by the owners of property abutting such space, or by the operators of businesses on such property. The Congress further finds that much of the use that is presently being made of such space by such owners or operators, and much of the use that is proposed to be made thereof, would not be in derogation of the rights of the general public to use such space if a determination be made by the Commissioner that some or all of such space is not required for the use of the general public and may be made available for use, for business purposes, by or with the consent of the owners of the private property abutting such public space, subject to the payment of adequate compensation for the use of such public space, and subject to the discontinuance of such use to the extent that the Commissioner may later determine such space to be required for the use of the general public, including use by a public utility company. The Congress therefore declares that public space in the District which the Commissioner finds is not required for the use of the general public may be made available by him for use, for business purposes, by or with the consent of the owners of private property abutting such space, upon payment to the District of compensation for the use of such space, and on the condition that such use will be discontinued in whole or in part whenever the Commissioner determines that all or part of the public space is required for the use of the general public.

SEC. 103. As used in this Act, unless the context requires otherwise—

"Commissioner" means the Commissioner of the District or his designated agent.

"District" means the District of Columbia.

"Owner" means (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

"Property" means real property.

"Property line" means the line of demarcation between privately owned property fronting or abutting a street and the publicly owned property in the line of such street.

"Public space" means all the publicly owned property between the property lines on a street, as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines, or tunnels constructed under the authority of subsection (d) of the Act approved December 20, 1944, as amended (D.C. Code, sec. 1-244(d)), or structures or facilities of the United States or the District of Columbia, or of any governmental entity or foreign government, or any structure or facility included in any lease agreement entered into by the Commissioner. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term "vault" as used in this Act shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of this Act.

SEC. 104. Nothing contained in this Act shall be construed as requiring the Commissioner to assess and collect rent from the Government of the United States, the government of the District of Columbia, or any foreign government, for the use, in accordance with the provisions of titles II and III, of public space abutting property owned by any such government or governmental entity, nor shall any such government or governmental entity be subject to the payment of any rent required by this Act.

SEC. 105. Notwithstanding any other provisions of this Act, the Commissioner is authorized, in his judgment and pursuant to regulations adopted and promulgated by the District of Columbia Council, to permit the occupancy of public space for minor uses without requiring rental payments when the fixing and collection of rental charges would not be feasible.

TITLE II—RENTAL OF PUBLIC SPACE ON OR ABOVE THE SURFACE

SEC. 201. The District of Columbia Council is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period: Provided, That nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space (1) in accordance with the provisions of regulations promulgated under the authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (26 Stat. 868, as amended (D.C. Code, sec. 5-204; (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation: Provided further, That the proposed rental of public space within the area of the District of Columbia subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5-410 and 5-411), shall be submitted to the Commission of Fine Arts in accordance with the provisions of such Act of May 16, 1930. The regulations adopted by the District of Columbia Council shall provide that public space rented under the authority of this title shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Commissioner may require such space to be vacated upon demand by him and its use discontinued, with or without notice,

and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Commissioner, the said Commissioner may remove from such space any property left thereon or therein by any person using such space under the authority of this title, at the risk and expense of the owner of the real property abutting such space.

SEC. 202. The District of Columbia Council shall by regulation provide for the payment of rent for the use of public space as authorized by this title. The annual rent for such space shall be a fair and equitable amount fixed by the Council from time to time in accordance with regulations adopted by it, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but in no event shall the annual rent for the public space so utilized be at a rate of less than 4 per centum per annum of the current assessed value of an equivalent area of the privately owned space immediately abutting the public space so utilized. Such rent shall be payable in advance for such periods as may be fixed by the Council. In the event the Commissioner requires any person using public space under the authority of this title to vacate all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

SEC. 203. The Commissioner is authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), to allow the same use to be made of such property as, under the authority of this title, he allows to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

TITLE III—RENTAL OF SUBSURFACE PUBLIC SPACE

SEC. 301. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716), as amended (D.C. Code, sec. 7–901), is hereby repealed, and all permits for the use of public space issued under the authority of such Act are revoked as of the effective date of this title.

SEC. 302. The Commissioner is authorized to issue a permit for the use of a vault constructed prior to the effective date of this Act, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging, for himself, his heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Commissioner may inspect such vault during regular business hours; (3) that the Commissioner may introduce or authorize the introduction into or through such vault with, right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioner deems necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

SEC. 303. The Commissioner is authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioner.

SEC. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the District of Columbia Council for such vault, but such annual rent shall not be less than $10, and such rent shall be subject to collection from said owner in the manner prescribed by this title, regardless of whether any use is made of such vault, and regardless of the extent of any use: *Provided,* That no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1 of such year, has notified the Commissioner in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

SEC. 305. (a) The owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established in accordance with this title for such vault. Such rent shall be payable annually for the year commencing July 1 and ending the following June 30, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between July 1 and January 1 of any year, one-half of the annual rent for any such vault, shall be payable in full prior to the first of January immediately following the completion of such vault. In the case of vaults constructed between January 1 and July 1 of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the first of July immediately following the completion of any such vault, pay in full the annual rent for such vault, for the rental year commencing on such July 1. Interest at the rate of 1 per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

(b) In the event the Commissioner requires or allows any person using subsurface public space under the authority of this title to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid: *Provided,* That the Commissioner may deduct from such prepayment any amount due the District in compensation for expenses to the District in connection with the use or abandonment of said space.

SEC. 306. (a) Whenever the Commissioner determines that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains, other public works, or public utility facilities, the Commissioner is authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner. The failure or refusal of any such owner to comply with such order of the Commissioner within the time specified in such order shall constitute a violation of this Act.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner within the time specified by him, the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and the said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

SEC. 307. Notwithstanding the provisions of the preceding section, whenever the Commissioner finds that any vault or vault opening is in such condition as to be imminently dangerous to persons or property, he shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure: *Provided,* That in a case where the public safety requires immediate action the Commissioner may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Commissioner performs any work under the authority of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by section 308.

SEC. 308. (a) The Commissioner shall take such action as he in his discretion considers necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental payments; the cost of any advertising required by this title; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing, or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of 1 per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized

by this title is not made within thirty days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this title and not paid within ninety days after the close of the fiscal year in which such charges accrue shall be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this title. The tax authorized to be levied and collected under this section may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

SEC. 309. (a) The Commissioner is authorized to require that the use of a vault occupied or used under the authority of this Act shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Commissioner may consider it necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Commissioner that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave a space clear and sufficient in the judgment of the Commissioner for the introduction and maintenance of any such underground construction or installation. The Commissioner is further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Commissioner shall have the right to enter upon the premises at any time for the inspection and proper maintenance or repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway, or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Commissioner, without expense to the District of Columbia.

(b) In the event a person occupying or using a vault under the authority of this Act shall fail or refuse to perform or to permit the performance of any work required by the Commissioner under the authority of subsection (a), the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Commissioner may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by section 308.

SEC. 310. Nothing contained in this title shall be construed as authorizing the District of Columbia Council to impose a rental charge for the use of any vault abutting real property on which is located a single or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this title.

TITLE IV—REGULATIONS, INSURANCE, NOTICE, PENALTY, CREDITING OF RENTAL PAYMENTS, AUTHORIZATION OF APPROPRIATIONS, SEPARABILITY PROVISION, COORDINATION WITH SECTION 2 OF THE ACT OF MAY 31, 1900, AND EFFECTIVE DATES

SEC. 401. The District of Columbia Council after public hearing is authorized to make and promulgate regulations to carry out the purposes of this Act. The regulations initially adopted by the Council under the authority of this section to carry out the purposes of title III shall become effective on the effective date of such title, if, not less than ten days prior to such date, the Council has adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Council under the authority of this section shall become effective ten days after notice of their adoption has been printed in a newspaper of general circulation in the District.

SEC. 402. The Commissioner shall, in connection with authorizing the use of any public space under the authority of this Act, require the person authorized to use such space, prior to any such use, to secure a policy of public liability and property damage insurance providing for such minimum limits of liability as may be required by the Commissioner, such policy to include the District and its officers and employees as additional parties insured, and to be cancellable only after thirty days' written notice of such cancellation has been received by the Commissioner. No such use of public space shall be authorized or continued for any period unless such insurance is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance covering any use of public space by either of the said governments under the authority of this Act.

SEC. 403. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) when forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided*, That valid service upon the owner shall be deemed effected if such order or notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or (5) if any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice as hereinbefore provided, cannot be effected, then if published for one day each week for three consecutive weeks in a daily newspaper published in the District; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any order or notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

SEC. 404. Any person who shall violate any provision of this Act shall be punished by a fine not exceeding $300 or by imprisonment for not more than ten days. In addition, such regulations as may be adopted by the District of Columbia Council under the authority of this Act may provide for the imposition of a fine of not more than $300 or imprisonment for not more than ten days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

SEC. 405. Rent paid for the use of public space under the authority of this Act shall be deposited to the credit of such special funds or general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

SEC. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

SEC. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this Act and the said regulations are separable.

SEC. 408. Nothing contained in this Act shall be construed to affect in any manner the provisions of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7–117), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accordance with the terms of the fourth proviso of such section 2, relating to the height of parking and the projection of buildings beyond the building line, the District's right-of-way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

SEC. 409. Titles I and IV of this Act shall take effect on the date of approval of this Act. Title II shall take effect the first day of the first month which occurs more than thirty days after the District of Columbia Council has first adopted and promulgated regulations to carry out the purposes of such title. Title III shall take effect on the 1st day of July which occurs three months or more after the date of approval of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 887), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1247, as amended by this committee, is to authorize the government of the District of Columbia to regulate the use of and to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia and to authorize the closing of unused or unsafe vaults under streets and the correction of dangerous condition of vaults in or vault openings in public space.

NEED FOR THE LEGISLATION

S. 1247 is needed to enable the District of Columbia government to fix reasonable rentals and establish regulations for the effective control of the use by private parties for gain of publicly owned spaces along, beneath, and over the streets within the District.

Many streets in the District of Columbia are used to their full capacity for the movement of vehicular and pedestrian traffic. On many streets, however, the movement of traffic does not require the full use of the street, and there has been a tendency on the part of operators of businesses along such streets to encroach on portions of the public right of way. This situation occurs with particular frequency on those streets where the sidewalk, or the sidewalk and parking, is of considerable width and in the streets in areas of the city primarily used for industrial purposes, where vehicular or pedestrian traffic is light and where there is no apparent demand for the use of the street by the general public. This situation has developed gradually to the point where, if it is discontinued, there would be considerable economic dislocation and inconvenience to the public. One example is that of automobile parking lots which provide offstreet parking for automobiles. These parking lots depend upon the use of public space for the movement of the automobiles parked on the lots, and for their storage, either for a short time or for a relatively long period of time. Access facilities available to the parking lot operator frequently make it mandatory for him to use public space for shifting vehicles. Parking lots are only one example of a practice which has been general throughout the District.

One solution to the problem would be to require that no use be made of public space for private gain. To enforce such a requirement would be difficult and require a large number of police. It is also questionable whether such a practice would be in the public interest. There is a demand in the District for the use of public space for private gain by the owners of private property abutting such space, or by the operators of businesses on such abutting property. There are areas in the streets which are not now, and may not in the foreseeable future, be required for use by the general public. The District government and the committee believe that until there is a need by the public for such space, there is no good reason why such street areas should not be made available to abutting property owners, upon payment of adequate compensation to the District, under regulations making it clear that the user would acquire no right, title, or interest in any space he may be permitted to use, and that such use may be terminated whenever the public interest requires. At present, because the District feels it is without legal authority to charge and collect rentals, there are some 896 units of space devoted to parking lot and car sales uses and 31 sidewalk cafes occupying public space rent free. S. 1247 will permit the District to establish reasonable rents and contemplates that the public will receive an equitable return for such profitable uses of its property.

Respecting space beneath the streets, in the act of September 1, 1916 (D.C. Code, sec. 7–901), the Congress recognized the desirability of allowing the District to make public space available for use by abutting property owners. A considerable amount of the space under the streets of the District, including the tree space, the sidewalks, and the parking (the area between the sidewalk and the building line) is occupied by "commercial vaults"; that is, vaults abutting other than one- and two-family dwellings. According to the District's records, there are 1,954 such vaults. During the fiscal year ending June 30, 1966, 922 vaults were used by the owner or occupants of the abutting property. Approximately 850 of the vaults are either not now used, are fuel tanks which are not covered by existing law, or are vaults with respect to which the owners of private property abutting public space in which such vaults are located are not required to pay rent.

The 1917 Appropriations Act (D.C. Code, sec. 7–901) authorizes and directs the assessment and collection of rent from all users of space occupied under the sidewalks and streets in the District of Columbia, which is occupied or used in connection with the business of the users. Rentals charged for vault space in fiscal year 1966 total $76,317.

At present, the District collects or attempts to collect rent only from persons actually using or occupying the vaults. Under existing law the District is unable to take action with respect to a large number of commercial vaults since allegedly they are not used or occupied by the owners or occupants of abutting property. Also, unused vaults may constitute a danger to the public, but absent imminent danger, the committee is advised that existing law affords us adequate means for the District to take or require corrective action.

Consequently, the District government recommends enactment of S. 1247 because it will provide not only authority to assess rent against the users of vaults and other public space in the rights-of-way of the city, but also with authority to require the closing off or filling up of vaults which owners of abutting property may not desire to use, and to correct dangerous conditions arising from the existence of a vault or vault opening.

With respect to the manner in which the use of public space is to be controlled, particularly from the standpoint of insuring that its use will not be to the detriment of the public, the committee is advised that the District government contemplates adopting regulations somewhat similar to those adopted with respect to the use of space on streets which have been denominated as business streets, but adapted to take into consideration the needs of persons utilizing public space for business purposes, as authorized by the bill. The committee believes that, with the enactment of the bill, the local government will be in a much better position to require improvements in the appearance of public space used by persons in abutting private property, or the discontinuance of such use. The record before the committee indicates that one of the major problems in connection with controlling the use of public space is a shortage of manpower and a reluctance to require the discontinuance of a use which in many cases has became a necessary one. However, it is anticipated that some of the rental revenue from such use could be appropriated to employ personnel to police the uses made of public space, and to take appropriate action with respect to unauthorized uses.

It is difficult to estimate the income the District may derive from the rental of public space for commercial business if S. 1247 is enacted in view of the large number of imponderables, such as, for example, the availability of public space, the willingness of a potential user to pay a specified rent, and the variations in the assessed valuation of private property. So far as the subsurface public space is concerned, the District estimates potential annual rental revenue from vaults at $154,000. With respect to the surface and supersurface of public space, it is estimated the potential annual rental income would amount to $150,000 from parking lots, $31,000 from used car lots, and $27,000 from sidewalk cafes.

The title was amended, so as to read: "A bill to authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes."

AMENDMENT OF THE DISTRICT OF COLUMBIA EDUCATION ACT

The Senate proceeded to consider the bill (S. 1999) to amend title II of the District of Columbia Public Education Act which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

"That the District of Columbia Public Education Act is amended by adding at the end thereof the following new title:

" 'TITLE IV—MISCELLANEOUS PROVISIONS

" 'SEC. 401. In the administration of the Act entitled "An Act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the

mechanic arts established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two", approved August 30, 1890 (26 Stat. 417; 7 U.S.C. 321–326, 328); the tenth paragraph under the heading "Emergency Appropriations" of the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight", approved March 4, 1907 (34 Stat. 1256, 1281; 7 U.S.C. 322); the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349); section 22 of the Act of June 29, 1935 (49 Stat. 436; 7 U.S.C. 329); the Act of March 4, 1940 (54 Stat. 39; 7 U.S.C. 331); and the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621–1629), the Federal City College authorized by this Act shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301–305, 307, 308), and the term "State" as used in the aforementioned laws or provisions of laws shall include the District of Columbia.

"'SEC. 402. (a) Section 22 of the Act of June 29, 1935 (49 Stat. 436; 7 U.S.C. 329), as amended, is amended by striking out "$7,650,000" and inserting in lieu thereof "$7,800,000", and by striking out "$4,300,000" and inserting in lieu thereof "$4,320,000".

"'(b) In lieu of extending to the District of Columbia those provisions of the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301–305, 307, 308), relating to donations of public lands or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the District of Columbia the sum of $7,241,706. Amounts appropriated under this subsection shall be held and considered to have been granted to the District of Columbia subject to those provisions of that Act applicable to the proceeds from the sale of land or land scrip.

"'SEC. 403. There are hereby authorized to be appropriated such sums as may be necessary to extend the provisions of the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349), to the District of Columbia. Sums so appropriated shall be in addition to and not in substitution for, sums otherwise appropriated under such Act, or otherwise appropriated for agricultural extension work. Four per centum of the sum so appropriated for each fiscal year shall be allotted to the Federal Extension Service, Department of Agriculture, for administrative, technical, and other services of the Department in carrying out the purposes of this section. The District of Columbia shall not be required to offset allotments authorized under this section.

"'SEC. 404. The enactment of this title, shall, as respects the District of Columbia, be deemed to satisfy any requirement of State consent contained in any of the laws or provisions of law referred to in this title.

"'SEC. 405. Except with respect to the provisions relating to the extension of the Act of May 8, 1914 (38 Stat. 372; 7 U.S.C. 341–346, 347a, 348, 349), to the District of Columbia, this title shall be effective with respect to appropriations with respect to fiscal years beginning after June 30, 1968. In the case of the provisions of the Act of May 8, 1914, so extended, such provisions shall take effect upon the date appropriations are made available for the purpose of carrying out such extension.'"

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the District of Columbia Public Education Act."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 888), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 1999 is to provide the citizens of the District of Columbia the services and benefits derived from a land-grant college. The bill would name The Federal City College as the land-grant college for the District of Columbia. The important provisions of S. 1999 that will carry out the objective of the bill are as follows:

The Federal City College would—

(1) Qualify under the Morrill Act of 1890 for a $50,000 annual grant to be used for instruction in mechanic arts, home economics, youth and community development and environmental sciences, including instructor training, under the grant program administered by the Department of Health, Education, and Welfare.

(2) Participate under the Bankhead-Jones Act of 1935 with the 50 States and Puerto Rico in further grants made available annually through HEW for the support of land-grant colleges. The college would receive an equal share of an annual national grant of $7.8 million, or $150,000 and, on a population basis, a share of a further national grant of $4.3 million, or $20,000—for a total of $170,000 to support such instruction. So as not to dilute the present entitlement of the 50 States and Puerto Rico to endowment and support funds, section 402 authorizes additional appropriations for this purpose of $170,000 to take care of the District.

(3) Participate under the Smith-Lever Act in the Federal Extension Service program administered by the Department of Agriculture through the land-grant colleges by developing cooperative extension services including home economics and 4–H youth programs to people not residents in the college. Section 403 of the bill authorizes additional appropriations to extend the provisions of the extension program to the people of the District through the Federal City College. Four percent (4%) of the annual appropriation would be allotted the Department for administration.

(4) Qualify under the Agricultural Marketing Act for Department of Agriculture fund allotments for research, investigation, and experimentation in marketing, consumer education, food handling and packaging, etc.

(5) Receive through the District government, a capital grant of $7,241,706 as an endowment to be invested in bonds, the income to be used for support of the mechanic arts and agricultural programs of the college. The principal would be unimpairable, and if diminished would have to be restored by the District. This grant is in lieu of the land grants made to other colleges in earlier years under the first Morrill Act of 1862.

The committee has been advised that these programs will not involve any additional cost to the District of Columbia government.

BACKGROUND

The District of Columbia is the last remaining area in our Nation without the services of a land-grant college. This legislation would provide educational opportunities for citizens of the District of Columbia to study for careers in community services and to receive the benefits from cooperative extension programs.

The population of the District of Columbia is larger than 11 States of this Nation. Yet the people of the District of Columbia do not have their own land-grant college as do the 50 States and Puerto Rico. Young people looking toward careers in programs usually associated with land-grant colleges have had to apply for admission to States with land-grant universities. This has not been a satisfactory arrangement due to stringent students enrollment policies in the States and out-of-State tuition at land-grant colleges which are beyond the means of many potential college students in the District of Columbia.

In addition, the citizens of the District of Columbia have been denied cooperative extension programs that are connected with land-grant universities. Over the years, the Cooperative Extension Service has been increasing their services in home living, community improvement, and youth development in urban areas.

It became increasingly clear that the problems of providing educational opportunities for young people in certain disciplines associated with extension service, community services, environmental services, dietetics, home economics, as well as the problem of providing citizens of the District of Columbia with cooperative extension service called for the establishment of a land-grant college in the District. Since the Federal City College, established by Congress November 7, 1966 (Public Law 89–791), is now developing a curriculum for course offerings in September of 1968, it seemed right to name this college as the land-grant college for the District of Columbia. The Department of Health, Education, and Welfare, the Department of Agriculture, as well as the Bureau of the Budget favor this approach if these services are to be provided to the citizens of the District.

NECESSITY FOR THE LEGISLATION

The purpose of or need for a land-grant college was well defined by Eugene Davenport, dean emeritus, College of Agriculture, University of Illinois (in an address delivered to the Association of Land-Grant Colleges and Universities, November 16, 1931):

"First of all, a repository of the world's stock of knowledge so far as it is possible to bring it together in available form and so far as means are at hand, for the purpose.

"Second, it is a research institution, provided with specialists and equipment for adding to this stock of knowledge as widely as would be profitable in the development of the State and as fast as resources will permit.

"Third, it is a source of information on which any man may draw freely and at will.

"Fourth, it is a meeting place where specialists and citizens may discuss difficult problems and lay plans for the further development of the State.

"Fifth, it is a teaching institution because such a repository of knowledge and agency for the advancement of civilization is of necessity an ideal place for the education of young men and women who take preparation for life as a serious matter. The teaching service of such an institution will always, therefore, be a prominent part of its work, the student being the best means to the end of an ever-advancing civilization.

"Sixth, it maintains in many lives a cooperative extension service for technical assistance outside the campus."

Your committee feels that the District of Columbia, faced with all of the problems and demands shared by the States, should be granted equable means of resolution in the development of its land-grant college.

Funds to be made available are limited to instruction and instructional equipment and supplies in agriculture, mechanic arts, English, mathematics, natural and physical sciences, economic sciences, and special preparation of teachers (the funds may not be used for the purchase or preservation of buildings or the purchase of land). Fields of instruction which have particular importance in the evolving needs of the citizens of the District of Columbia would be added to the college curriculum.

In the Smith-Lever Act of 1914, Congress established the Extension Service which has been truly a cooperative organization in its mutually beneficial relationship with the

States, the land-grant universities, and the public. It would be difficult to overstate the spirit that has been fostered in the rural portions of America by services provided and stimulated by the Department of Agriculture with the voluntary participation of farmers and their families.

Since World War II, the Extension Service, in response to the demands of the people, has been expanding its programs into urban areas. The following quote from this report of the House Appropriations Committee on the fiscal year 1968 Agriculture appropriation bill is illustrative of this trend:

"In view of the many agencies of the Department and the entire Federal Government engaged in community development activities, the committee feels that the additional funds can be used most effectively in programs which work directly with the youth of this Nation. The wholesome effect of 4-H Club activities has been so beneficial to rural youth that additional efforts to bring 4-H programs to young people in the congested and deprived urban areas of the United States would make an invaluable contribution to the moral, spiritual, and economic strength of this Nation."

Many cities in America have called, in one way or another, upon the Cooperative Extension Service for its leadership in setting up programs of training in home counseling and in youth development, as well as in other areas of concern. Many mayors of problem-plagued cities have known how effective these programs can be in creating greater family stability, in providing supplementary educational programs, and in salvaging dropouts from school and society from the brink of delinquency and despair.

Work in nonrural areas

Many cities have made effective use of the Cooperative Extension Service—especially 4-H youth development and extension home economics programs. Few areas in the Nation can show greater real need for expert, trained leadership in child care, public health, home counseling, and youth development than the District of Columbia. In view of the many calls for increased services in the Federal City, it is only right and just for Congress to make available to District residents opportunities for self-help programs that are available to New Yorkers, Chicagoans, and residents of other cities.

Extension-guided home counseling services and youth development programs have been initiated in recent months to provide leadership in public housing projects in such cities as Providence, R.I.; Portland, Oreg.; Kansas City, Mo.; Hartford, Manchester, and New Haven, Conn.; Newark, N.J.; Buffalo, N.Y.; and Warren, Ohio. Similar self-help, learning-by-doing programs are urgently needed for the thousands of families in the District's public housing developments and in many other low-income neighborhoods. Each public service department of the District—the school system, the Recreation Department, the Public Health Department, or any other—would be substantially augmented by making Extension Service programs available to the District of Columbia.

Needs in Washington, D.C.

Your committee has been informed that about 96,000 youngsters between the ages of 9 and 19 in 49,000 families live in circumstances approaching abject poverty. This legislation would provide urgently needed supplemental assistance to youngsters and their families who are hopelessly caught up in impoverished circumstances by informational, educational, and vocational inadequacies.

Low-income people in Washington's congested areas

The family unit is considered to be the most important instrument in the process of developing the individual. Through this primary group the individual may acquire habits, ideals, attitudes, images, and examples which both stimulate and motivate him toward being a responsible citizen.

However, many families in congested areas of Washington have been unable to provide for their children the kind of home life which fosters good health and good citizenship. Often this is beyond their control and even beyond their understanding. Parents from many low-income groups are not familiar with adequate nutrition, good housekeeping standards, the care and development of children, and the need to foster sound values within the home. They presently lack skills in maintaining their homes, furnishings, and equipment.

In one census tract of 9,800 people, for example, 72 percent of all men and women over 25 lack high school education, and the rate of juvenile delinquency is highest for any area in the city. Statistics such as these only begin to tell the story of the District's economic and social problems.[1] High rates of poverty, disease, ignorance, and unemployment tend to occur simultaneously in many areas of the District.

Living in a blighted neighborhood has a corrosive effect upon the human spirit. All children raised in this kind of environment, however decent their own parents may be, are exposed to the examples of defeat and hopelessness of adults who have stopped caring, stopped trying. The constant contact with joblessness, poverty, ignorance, and ugliness destroys the innocence of the very young. It conditions their expectations, their view of themselves and what they can achieve.

The youth employment situation has serious dimensions in the District. For instance, most of the 6,000 young people registered with the District's Youth Offices of the U.S. Employment Service are without salable job qualifications.[2] More than 75 percent of them are high school dropouts. Jobs generally require a high school diploma and frequently require specialized training. Many of the youthful jobseekers have already come into contact with the law.

It has been found that a high proportion of the youth living in the District's crowded sections have poor attitudes, poor work habits, poor education, and deficiencies in the special skills needed for getting along in work situations. Many of the solutions of the complex problems of employability need long-run efforts. Most agencies concerned have specialized functions to perform, while the solutions need concerted efforts dealing with health, education, job orientation, and support.

The Cooperative Extension Service has demonstrated that it can fulfill a unique role of working with families and youth to help them raise their aspirations and make effective use of the services of the many specialized agencies. At the same time, the Extension Service would have collaborative and mutually beneficial relationships with schools, employment services, and other community agencies.

What the Cooperative Extension Service can do for families in the District

Extension has more than 50 years of experience which would be utilized to help families, including their youth, to improve their home situations, and manage their resources; to be productive in employment situations; and to develop values of good citizenship.

Extension is a "family-centered" program. One of the objectives is to reach adults and youth who do not take advantage of existing educational opportunities, and to motivate them to learn the skills, attitudes, and knowledge necessary for successful family living.

Extension aims to help disadvantaged families and youth learn to secure and use goods and services in such a way as to achieve the greatest satisfaction for all family members.

Children and adults would participate in learning experiences that would reinforce each other—information on nutrition, sanitation, and personal hygiene, for example. They would learn to use community resources of benefit to the family and would become involved in community organizations.

Homemakers would develop home management skills; good housekeeping practices; buymanship; care and use of foods, clothing, household furnishings, and equipment; as well as better child development and human relationships.

Husbands would become involved in the learning experiences Extension provides to homemakers and youth.

Families would develop a feeling of self-reliance and an appreciation for the benefits gained from using knowledge to improve family well-being. Eventually they would establish immediate and long-term goals which are compatible, practical, and attainable.

[1] Lucille Harrigan, "General Description of Washington, D.C.," first draft, Washington Center, June 28, 1967.

[2] Fred Z. Hetzel, "U.S. Employment Service for the District of Columbia, 15th Annual Conference of Metropolitan Issues."

BILLS PASSED OVER

The bill (H.R. 2454) for the relief of the children of Mrs. Doris E. Warren was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 1537) for the relief of Thomas M. Scanlon was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

OUR LADY OF PILLAR CATHOLIC CHURCH

The bill (H.R. 1894) for the relief of Our Lady of Pillar Catholic Church in Santa Ana, Calif., was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H.R. 6004) for the relief of Swiff-Train Co. was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

JURY SELECTION

The Senate proceeded to consider the bill (S. 989) to provide improved judicial machinery for the selection of Federal juries, and for other purposes which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Jury Selection and Service Act of 1967".

SEC. 101. The caption, analysis, and sections 1861 through 1869 of chapter 121 of title 28, United States Code, are amended to read as follows:

"CHAPTER 121.—JURIES; TRIAL BY JURY

"Sec.
"1861. Declaration of policy.
"1862. Discrimination prohibited.
"1863. Plan for random jury selection.
"1864. Drawing of names from the master jury wheel; completion of juror qualification form.
"1865. Qualifications for jury service.
"1866. Selection and summoning of jury panels.
"1867. Challenging compliance with selection procedures.
"1868. Maintenance and inspection of records.
"1869. Definitions.
"1870. Challenges.
"1871. Fees.
"1872. Issues of fact in Supreme Court.
"1873. Admiralty and maritime cases.
"1874. Actions on bonds and specialties.

"§ 1861. Declaration of policy

"It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

"§ 1862. Discrimination prohibited

"No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

"§ 1863. Plan for random jury selection

"(a) Each United States district court shall devise and place into operation a written plan for random selection of grand and petit jurors that shall be designed to achieve the objectives of sections 1861 and 1862 of this title, and that shall otherwise comply with the provisions of this title. The plan shall be placed into operation after approval by a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district whose plan is being reviewed or such other active district judge of that district as the chief judge of the district may designate. The panel shall examine the plan to ascertain that it complies with the provisions of this title. If the reviewing panel finds that the plan does not comply, the panel shall state the particulars in which the plan fails to comply and direct the district court to present within a reaonsable time an alternative plan remedying the defect or defects. Separate plans may be adopted for each division or combination of divisions within a judicial district. The district court may modify a plan at any time and it shall modify the plan when so directed by the reviewing panel. The district court shall promptly notify the panel, the Administrative Office of the United States Courts, and the Attorney General of the United States, of the initial adoption and future modifications of the plan by filing copies therewith. Each district court shall submit a report on the jury selection process within its jurisdiction to the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, adopt rules and regulations governing the provisions and the operation of the plans formulated under this title.

"(b) Among other things, such plan shall—

"(1) either establish a jury commission, or authorize the clerk of the court, to manage the jury selection process. If the plan establishes a jury commission, the district court shall appoint one citizen to serve with the clerk of the court as the jury commission: *Provided, however,* That the plan for the District of Columbia may establish a jury commission consisting of three citizens. The citizen jury commissioner shall not belong to the same political party as the clerk serving with him. The clerk or the jury commission, as the case may be, shall act under the supervision and control of the chief judge of the district court or such other judge of the district court as the plan may provide. Each jury commissioner shall, during his tenure in office, reside in the judicial district or division for which he is appointed. Each citizen jury commissioner shall receive compensation to be fixed by the district court plan at a rate not to exceed $50 per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Judicial Conference of the United States may establish standards for allowance of travel, subsistence, and other necessary expenses incurred by jury commissioners.

"(2) specify whether the names of prospective jurors shall be selected from the voter registration lists or the lists of actual voters of the political subdivisions within the district or division. The plan shall prescribe some other source or sources of names in addition to voter lists where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title. The plan may prescribe some other source or sources of names in lieu of voter lists but only where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title: *Provided, however,* That the plan for the District of Columbia may require the names of prospective jurors to be selected from the city directory rather than from voter lists, and that the plans for the districts of Puerto Rico and the Canal Zone may prescribe some other source or sources of names of prospective jurors in lieu of voter lists, the use of which shall be consistent with the policies declared and rights secured by section 1861 and 1862 of this title.

"(3) specify detailed procedures to be followed by the jury commission or clerk in selecting names from the sources specified in paragraph (2) of this subsection. These procedures shall be designed to ensure the random selection of a fair cross section of the persons residing in the community in the district or division wherein the court convenes. They shall ensure that names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division are placed in a master jury wheel; and shall ensure that each county, parish, or similar political subdivision within the district or division is substantially proportionally represented in the master jury wheel for that judicial district, division, or combination of divisions. For the purposes of determining proportional representation in the master jury wheel, either the number of actual voters at the last general election in each county, parish, or similar political subdivision, or the number of registered voters if registration of voters is uniformly required throughout the district or division, may be used.

"(4) provide for a master jury wheel (or a device similar in purpose and function) into which the names of those randomly selected shall be placed. The plan shall fix a minimum number of names to be placed initially in the master jury wheel, which shall be at least one-half of 1 per centum of the total number of persons on the lists used as a source of names for the district or division; but if this number of names is believed to be cumbersome and unnecessary, the plan may fix a smaller number of names to be placed in the master wheel, but in no event less than one thousand. The chief judge of the district court, or such other district court judge as the plan may provide, may order additional names to be placed in the master jury wheel from time to time as necessary. The plan shall provide for periodic emptying and refilling of the master jury wheel at specified times.

"(5) specify those groups of persons or occupational classes whose members shall, on individual request therefor, be excused from jury service. Such groups or classes shall be excused only if the district court finds, and the plan states, that jury service by such class or group would entail undue hardship or extreme inconvenience to the members thereof, and excuse of members thereof would not be inconsistent with sections 1861 and 1862 of this title.

"(6) specify those groups of persons or occupational classes whose members shall be barred from jury service on the ground that they are exempt. Such groups or classes shall be exempt only if the district court finds, and the plan states, that their exemption is in the public interest and would not be inconsistent with sections 1861 and 1862 of this title. The plan shall provide for exemption of the following persons: (i) members in active service in the Armed Forces of the United States; (ii) members of the fire or police departments of any State, district, territory, possession, or subdivision thereof; (iii) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.

"(7) fix the distance, either in miles or in travel time, from each place of holding court beyond which prospective jurors residing shall, on individual request therefor, be excused from jury service on the ground of undue hardship in traveling to the place where court is held.

"(8) fix the time when the names drawn from the qualified jury wheel shall be disclosed to parties and to the public. If the plan permits these names to be made public, it may nevertheless permit the chief judge of the district court, or such other district court judge as the plan may provide, to keep these names confidential in any case where the interests of justice so require.

"(9) specify the procedures to be followed by the clerk or jury commission in assigning persons whose names have been drawn from the qualified jury wheel to grand and petit jury panels.

"(c) The initial plan shall be devised by each district court and transmitted to the reviewing panel specified in subsection (a) of this section within one hundred and twenty days of the date of enactment of the Jury Selection and Service Act of 1967. The panel shall approve or direct the modification of each plan so submitted within sixty days thereafter. Each plan or modification made at the direction of the panel shall become effective after approval at such time thereafter as the panel directs, in no event to exceed ninety days from the date of approval. Modifications made at the instance of the district court under subsection (a) of this section shall be effective at such time thereafter as the district court directs, in no event to exceed ninety days from the date of modification.

"(d) State, local, and Federal officials having custody, possession, or control of voter registration lists, lists of actual voters, or other appropriate records shall make such lists and records available to the jury commission or clerks for inspection, reproduction, and copying at all reasonable times as the commission or clerk may deem necessary and proper for the performance of duties under this title. The district courts shall have jurisdiction upon application by the Attorney General of the United States to

compel compliance with this subsection by appropriate process.

"§ 1864. Drawing of names from the master jury wheel; completion of juror qualification form

"(a) From time to time as directed by the district court, the clerk or a district judge shall publicly draw at random from the master jury wheel the names of as many persons as may be required for jury service. The clerk or jury commission shall prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to the district court plan and to sections 1867 and 1868 of this title. The clerk or jury commission shall mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk or jury commission by mail within ten days. If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk or jury commission shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the clerk or jury commission within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk or jury commission forthwith to appear before the clerk or jury commission to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed who personally appears and executes a juror qualification form before the clerk or jury commission shall, except where his prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowances paid to jurors under section 1871 of this title. At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the jury commission or the clerk of the court, at which time, in such cases as if appears warranted, the person may be questioned, but only with regard to his responses to questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

"(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the district court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than $100 or imprisoned not more than three days, or both. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be fined not more than $100 or imprisoned not more than three days, or both.

"§ 1865. Qualifications for jury service

"(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

"(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

"(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

"(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

"(3) is unable to speak the English language;

"(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

"(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

"§ 1866. Selection and summoning of jury panels

"(a) The jury commission, or in the absence thereof the clerk, shall maintain a qualified jury wheel and shall place in such wheel names of all persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to the district court plan. From time to time, the jury commission or the clerk shall publicly draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

"(b) When the court orders a grand or petit jury to be drawn the clerk or jury commission shall issue summonses for the required number of jurors and deliver them to the marshal for service.

"Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address.

"Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered or certified summons where service is made by mail.

"(c) Except as provided in section 1865 of this title or in any jury selection plan provision adopted pursuant to paragraph (5), (6), or (7) of section 1863(b) of this title, no person or class of persons shall be disqualified, excluded, excused, or exempt from service as jurors: *Provided,* That any person summoned for jury service may be (1) excused by the court, upon a showing of undue hardship or extreme inconvenience, for such period as the court deems necessary, at the conclusion of which such person shall be summoned again for jury service under subsections (b) and (c) of this section, or (2) excluded by the court on the ground that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt the proceedings, or (3) excluded upon preemptory challenge as provided by law, or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (5) excluded upon determination by the court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (5) of this subsection unless the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with sections 1861 and 1862 of this title. The number of persons excluded under clause (5) of this subsection shall not exceed one per centum of the number of persons who return executed juror qualification forms during the period, specified in the plan, between two consecutive fillings of the master jury wheel. The names of persons excluded under clause (5) of this subsection, together with detailed explanations for the exclusions, shall be forwarded immediately to the judicial council of the circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of clause (5) of this subsection, but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of this title. Any person excluded from a particular jury under clause (2), (3), or (4) of this subsection shall be eligible to sit on another jury if the basis for his initial exclusion would not be relevant to his ability to serve on such other jury.

"(d) Whenever a person is disqualified, excused, exempt, or excluded from jury service, the jury commission or clerk shall note in the space provided on his juror qualification form or on the juror's card drawn from the qualified jury wheel the specific reason therefor.

"(e) In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

"(f) When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, lists of actual voters, or other lists specified in the plan, in a manner ordered by the court consistent with sections 1861 and 1862 of this title.

"(g) Any person summoned for jury service who fails to appear as directed shall be ordered by the district court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than $100 or imprisoned not more than three days, or both.

"§ 1867. Challenging compliance with selection procedures

"(a) In criminal cases, before the voir dire examination begins, or within seven days after the defendant discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the defendant may move to dismiss the indictment or stay the proceedings against him on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

"(b) In criminal cases, before the voir dire examination begins, or within seven days after the Attorney General of the United States discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the Attorney General may move to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

"(c) In civil cases, before the voir dire examination begins, or within seven days after the party discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, any party may move to stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the petit jury.

"(d) Upon motion filed under subsection (a), (b), or (c) of this section, containing

a sworn statement of facts which, if true, would constitute a substantial failure to comply with the provisions of this title, the moving party shall be entitled to present in support of such motion the testimony of the jury commission or clerk, if available, any relevant records and papers not public or otherwise available used by the jury commission or clerk, and any other relevant evidence. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the grand jury, and such failure is likely to be prejudicial to the moving party, the court shall stay the proceedings pending the selection of a grand jury in conformity with this title or dismiss the indictment, whichever is appropriate. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the petit jury, and such failure is likely to be prejudicial to the moving party, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title.

"(e) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime, the Attorney General of the United States or a party in a civil case may challenge any jury on the ground that such jury was not selected in conformity with the provisions of this title.

"(f) The contents of any records or papers used by the jury commission or clerk in connection with the jury selection process shall not be disclosed, except as may be necessary in the preparation or presentation of a motion under subsection (a), (b), or (c) of this section, until after the master jury wheel has been emptied and refilled pursuant to section 1863(b)(4) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of the motion. Any person who discloses the contents of any record or paper in violation of this subsection may be fined not more than $1,000 or imprisoned not more than one year, or both.

"§ 1868. Maintenance and inspection of records

"After the master jury wheel is emptied and refilled pursuant to section 1863(b)(4) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury commission or clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four years or for such longer period as may be ordered by a court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.

"§ 1869. Definitions

"For purposes of this chapter—

"(a) 'clerk' and 'clerk of the court' shall mean the clerk of the district court of the United States or any authorized deputy clerk;

"(b) 'chief judge' shall mean the chief judge of any district court of the United States;

"(c) 'voter registration lists' shall mean the official records maintained by State or local election officials of persons registered to vote in either the most recent State or the most recent Federal general election, or, in the case of a State or political subdivision thereof that does not require registration as a prerequisite to voting, other official lists of persons qualified to vote in such election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the official registration lists or other official lists maintained by the appropriate State or local officials. With respect to the districts of Guam and the Virgin Islands, 'voter registration lists' shall mean the official records maintained by territorial election officials of persons registered to vote in the most recent territorial general election;

"(d) 'lists of actual voters' shall mean the official lists of persons actually voting in either the most recent State or the most recent Federal general election;

"(e) 'division' shall mean: (1) one or more statutory divisions of a judicial district; or (2) in statutory divisions that contain more than one place of holding court, or in judicial districts where there are no statutory divisions, such counties, parishes, or similar political subdivisions surrounding the places where court is held as the district court plan shall determine: *Provided*, That each county, parish, or similar political subdivision shall be included in some such division.

"(f) 'district court of the United States', 'district court', and 'court' shall mean courts constituted under chapter 5 of title 28, United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 389; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code: *Provided*, That for purposes of sections 1861, 1862, 1866 (c) and (d), and 1867 of this chapter, these terms shall include the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia;

"(g) 'jury wheel' shall include any device or system similar in purpose or function, such as a properly programed electronic data processing system or device;

"(h) 'juror qualification form' shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, sex, education, race, occupation, length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as a juror, is able to read, write, speak, and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty, and any other matter not inconsistent with the provisions of this title and required by the district court plan in the interests of the sound administration of justice. The form shall also elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his race, religion, or occupation is not a prerequisite to his qualification for jury service, and that such information need not be furnished if the person finds it objectionable to do so.

"(i) 'public officer' shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office."

FEES

SEC. 102. (a) Section 1871 of title 28, United States Code, is amended by substituting "$20" for "$10" and "$25" for "$14" in the second paragraph, "$16" for "$10" in the third paragraph, and "$20 for "$10" in the fourth paragraph, and by substituting in the third paragraph "10 cents per mile, plus the amount expended for tolls, for toll roads, and for toll bridges" for "10 cents per mile" in the two instances such language occurs, and by adding at the end of that section a new paragraph as follows:

"Grand and petit jurors in the district courts for the districts of Guam and the Canal Zone shall receive the same fees and allowances provided in this section for grand and petit jurors in other district courts of the United States."

(b) Section 1821 of title 28, United States Code, is amended by substituting "$20" for "$4", "10 cents" for "8 cents", and "$16" for "$8", and by adding at the end of that section a new paragraph as follows:

"Witnesses in the district courts for the districts of Canal Zone, Guam, and the Virgin Islands shall receive the same fees and allowances provided in this section for witnesses in other district courts of the United States."

AMENDMENT AND REPEAL

SEC. 103 (a) Sections 13–701, 11–2301 through 11–2305 except the last paragraph of section 11–2302), 11–2307 through 11–2312 of the District of Columbia Code, and section 2 of the Act entitled "And Act to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia", approved July 30, 1951 (D.C. Code, sec. 7–213a), are repealed.

(b) Section 11–2306 of the District of Columbia Code is amended to read as follows:

"§ 11–2306. Manner of drawing

"(a) If the United States attorney for the District of Columbia certifies in writing to the chief judge of the district court, or, in his absence, to the presiding judge, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the chief judge, or, in his absence, the presiding judge, the additional grand jury shall serve until the end of the term in and for which it is drawn.

"(b) The jury commission for the United States District Court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia Court of General Sessions and the juvenile court of the District of Columbia, and such persons shall be assigned to jury panels in the Court of General Sessions and the juvenile court as those courts shall direct."

(c) Section 1608(j) of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7–318), is amended by deleting the following: "and five dollars per day for each juror for the services of each when actually employed".

(d) Section 16–1312 of the District of Columbia Code is amended by substituting "section 1865 of title 28, United States Code" for "Section 11–2301, and who, in addition, are owners of real property in the District" in subsection (a)(1), and by substituting "chapter 121 of title 28, United States Code" for "chapter 23 of title 11" in subsection (c).

(e) Section 16–1357 of the District of Columbia Code is amended by striking out the phrase "are real property owners in the District and".

(f) Section 213 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–1414), is amended by inserting the words "or wheel" immediately following the word "box" each time it appears therein.

(g) Section 44 of the Act of March 2, 1917, to provide a civil government for Puerto Rico (39 Stat. 966; 48 U.S.C. 867) and sections 471 and 472(b) of title 3, sections 452, 453, and 2562(a) of title 5, and sections 4093

through 4106 and 4108 through 4117 of title 6, Canal Zone Code, are repealed. Subsection (b) of section 2562 of title 5, Canal Zone Code, is redesignated as subsection (a) and amended by substituting "$10" for "$2" and "section 1821, title 28, United States Code" for "subsection (a) of this section". Subsections (c) and (d) of section 2562 of title 5, Canal Zone Code, are redesignated as subsections (b) and (c) thereof.

EFFECTIVE DATE

SEC. 104. This Act shall become effective two hundred and seventy days after the date of enactment: *Provided*, That this Act shall not apply in any case in which an indictment has been returned or petit jury empaneled prior to such effective date.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 891), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The amendment is in the nature of a substitute bill, the provisions of which are explained in the analysis of the legislation that follows in this report. The substitute bill differs from the original bill only in technical respects. The purpose and substantive provisions of the original bill remain essentially unchanged.

PURPOSE OF LEGISLATION

The purpose of S. 989 is to establish basic machinery for the selection of Federal grand and petit jurors in order to assure to all litigants that potential jurors will be selected at random from a cross section of the community and to all qualified citizens the opportunity to be considered for jury service. The bill would amend chapter 121 of title 28, United States Code, by striking out sections 1861 to 1869 and inserting in lieu thereof the new sections 1861 to 1869; would amend section 1871 of title 28, United States Code; and would amend section 1821 of title 28, United States Code.

The bill would repeal sections 13–701; 11–2301 to 11–2305 (except the last paragraph of sec. 11–2302), 11–2307 to 11–2312 and 7–213a of the District of Columbia Code. Except for the last paragraph of subsection (a), section 11–2306 of the District of Columbia Code would be repealed and a new subsection (b) would be added. The bill would also amend sections 7–318, 16–1312, 16–1357 and 22–1414 of the District of Columbia Code.

The legislation would also repeal section 44 of the act of March 2, 1917 (39 Stat. 966; 48 U.S.C. 867), and sections 471 and 472 (b) of title 3, sections 452, 453, and 2562 (a) of title 5, and sections 4093 and 4106, and sections 4108 to 4117 of title 6 of the Canal Zone Code.

Technical changes would be made in the heading of chapters 121 of title 28, United States Code, and in subsections (b), (c), and (d) of section 2562 of title 5 of the Canal Zone Code.

The need for legislation

A jury chosen from a representative community sample is a fundamental of our system of justice. Yet, ironically, little attention has been given to the methods of jury selection actually used in our Federal courts. Instead, this Nation has stated and restated its commitment to the goal of the representative jury without making any significant effort to insure that this goal is attained.

Only three times in the entire history of the Nation has Congress addressed itself in any important way to the subject of Federal jury selection. In the First Judiciary Act of 1789 Congress directed that Federal jurors be selected in accordance with State practices. As a result, a wide variety of practices developed in the Federal courts.

So the matter rested for over 150 years until Congress, in revising the Judicial Code in 1948, acted on a recommendation of the Judicial Conference of the United States and made a partially successful attempt to create independent Federal juror qualifications. The 1948 modification, however, failed to include any guidelines for the process of selecting the prospective jurors whose qualifications were to be tested. In 1957, Congress carried forward the 1948 change by creating fully independent Federal juror qualifications. But again uniformity was not achieved because these statutory standards were often treated as minimum qualification requirements to which each jury official added his own subjective notions of the characteristics a good juror should possess.

Thus, Congress has laid down certain qualifications for Federal jurors, but it has never specified the sources from which the names of prospective jurors should be obtained, the methods by which these names should be selected, or the bases upon which otherwise qualified jurors should be eliminated from jury service.

In the absence of statutory guidelines it is hardly surprising that the selection methods used in the Federal courts lack any semblance of uniformity. The responses to the subcommittee's questionnaire on existing practices demonstrate that at present the particular procedures used in jury selection in the various judicial districts are governed by no more than the vagaries of local custom and practice.[1] Because broad and cloudy powers have been delegated to the court clerk or jury commission without provision for adequate judicial supervision, even judges are often imperfectly aware of the procedures employed in their courts.[2]

The defect in existing practices, however, is not simply that they vary from district to district. Nor is it even that lines of administrative responsibility are often unclear. The defect that calls for congressional action is that the representational goal of jury selection is impaired when the methods used are haphazard or less than adequate to ensure fair selection from a fair sample.

The evidence that current selection procedures are failing to meet our expectations in that regard is now unmistakable. Repeated testimony at the subcommittee's hearings pointed to evidence of discrimination in selection that undermines the representative quality of juries.

Most Federal jurisdictions use the so-called "key man" system of selection by which "key men," thought to have extensive contacts throughout the community, supply the names of prospective jurors. On its face, that system seems susceptible to intentional discrimination in that it allows room for individual choice in the recommendation of names. But the negative effects of the system are not limited to discrimination brought about intentionally. As a number of judges testified, the fault of the system is that even when administered with the best of intentions, it tends to produce unrepresentative jury venires. Even if the key men do not deliberately seek to eliminate certain types of people from jury service, limitations upon the scope of their acquaintances bring about that result. Friends and acquaintances of the key men have a disproportionately greater chance of being selected. And even when a key man makes a special effort to broaden his contacts, the less prominent members of the community tend to be neglected. The impact of this discrimination may fall most heavily upon minority or low-income groups.

Accordingly, even though the judges who testified at the subcommittee's hearings acknowledged that the key man system is ordinarily administered in good faith, each judge urged the abolition of the system on the ground that unintentional abuse is all too likely.

The testimony of one judge from a district that currently employs a key man system is illustrative. The Honorable Joseph S. Lord III, of the eastern district of Pennsylvania, stated:

"I do not doubt that the key man method may result in juries which are fairly representative of the community of which they are part, both geographically and in terms of those infinitely more subtle characteristics vaguely referred to as political, social, ethnic, and economic background. However, the opportunities for unintentional abuse of the system are grave. * * * Even when the key men are so chosen that they do represent all segments of our pluralistic citizenry, there is no inherent guarantee that they themselves will recruit and recommend individual jurors who collectively embody the will of the community. Even more unlikely is it that the system can continue to function with evenhanded representative justice. For every time the community changes, in terms of the political outlook of its members, their economic and social status, their ethnic and cultural composition, and of course their geographical distribution, the perpetuation of the same key men works obvious impropriety. Yet how can court administrators and judges gauge subtle, nuanced changes in societal attitudes and find the appropriate key men to accompany these increasingly fluid developments."[3]

But the testimony of judges is not the only basis for concern. The actuality of unintentional discrimination was documented only recently in the case of *Rabinowitz* v. *United States*, 366 F. 2d 34 (1966). In that case, the operation of the key man system in one set of circumstances was condemned even though it was stipulated that the officials responsible for selection did not consciously engage in discriminatory practices. En banc, the U.S. Court of Appeals for the Fifth Circuit concluded that the key man system in question led to a jury list that did not represent a fair cross section of the community.

The key man system condemned in *Rabinowitz* led to the underrepresentation of Negroes on the jury lists, but the discriminatory impact of the system is by no means limited to racial discrimination. Another witness at the subcommittee's hearings, Prof. Edwin S. Mills, of the Johns Hopkins University, testified to discriminatory results along occupational lines. His statistical study of a key man system in the U.S. District Court for the District of Maryland from December 1958 to December 1961 documented dramatic underrepresentation of craftsmen, service workers, and laborers, as compared with the professional and managerial classes. Again, there was no evidence of intent to bring about the disparity. Professor Mills testified:

"It is almost humanly impossible to avoid biases of the kind * * * found when jurors are selected by the key man system. First, people known to prominent individuals or associated with almost any kind of organization will display an occupational bias. Second, it is well known among statisticians that any sampling procedure involving human discretion almost inevitably leads to

[1] See hearings, "Federal Jury Selection," before the Subcommittee on Improvements in Judicial Machinery, Committee on the Judiciary, U.S. Senate, 90th Cong., first sess., app. II. Hereinafter cited as "Hearings, 'Federal Jury Selection.'"

[2] See H. Rept. No. 261, 89th Cong., first sess., at p. 2.

[3] Hearings, "Federal Jury Selection," at pp. 75–76.

biased results. No matter how conscientiously they try to choose randomly, human beings almost always choose biased samples." [4]

Since the key man system in one form or another is employed in more than half of the Federal districts,[5] evidence that it undermines the goals of jury selection is enough to sound the call for reform. But taken together with the diversity of practices among the jurisdictions, and the uncertainty of district judges concerning their role in the jury selection process,[6] the case for reform is virtually unassailable.

Indeed, although some witnesses at the subcommittee's hearings testified that their selection process at home did not produce unrepresentative jury lists, no witness opposed the need for reform on a nationwide basis. Included among the groups supporting congressional action were the Judicial Conference of the United States, the Department of Justice, the American Trial Lawyers Association, the Leadership Conference on Civil Rights, the Federal Bar Association, the Committee on Federal Legislation of the Association of the Bar of the City of New York, the National Legal Aid and Defender Association, the National Association of Defense Counsel, and the National Association of Railroad Trial Counsel. In addition, law professors, private practitioners, and clerks of U.S. district courts all urged the Congress to recognize the need for national legislation and to act accordingly to meet that need.

Legislative history and background of S. 989

Early in the first session of the 90th Congress, on January 17, 1967, Senator Joseph D. Tydings, chairman of the subcommittee on Improvements in Judicial Machinery, announced that the subcommittee would hold wide-ranging and thoroughgoing hearings on the jury selection process in the Federal courts. To provide a focus for the inquiry, Senator Tydings introduced five bills representing a variety of approaches to reform—S. 383, S. 384, S. 385, S. 386, and S. 387. Although some of the proposals were inconsistent with others, all were presented in order that the subcommittee might consider a full spectrum of alternatives. On February 16, 1967, and March 20, 1967, two further bills were introduced. The first is the one reported, S. 989 drafted by the Committee on the Operation of the Jury System of the Judicial Conference of the United States and later approved by the Conference as a whole on March 30, 1967. The second, S. 1319, is substantially identical with the administration-sponsored title I of the civil rights bill of 1967.

Hearings on the seven bills were held on March 21, 22, and 29; April 11 and 12; May 2 and 16; June 6 and 28; and July 20. During these hearings the subcommittee received testimony in written or oral form from: The Honorable Ramsey Clark, Attorney General of the United States; Dale W. Broeder, Esq., formerly associated with the Chicago Jury Project; the Honorable Harrison L. Winter, U.S. Court of Appeals for the Fourth Circuit; the Honorable Joseph S. Lord III, U.S. District Court for the Eastern District of Pennsylvania; William L. Marbury, Esq., of Baltimore; Norman P. Ramsey, Esq., of Baltimore; William F. Walsh, chairman-elect of the American Bar Association's Section of Criminal Law; Profs. Harry Kalven, Jr., and Hans Zeisel, authors of "The American Jury"; Prof. Monroe H. Freedman, of the George Washington University Law School; Alexander Boskoff, Esq., of the Federal Bar Association; Prof. Edwin Mills, of Johns Hopkins University; Eastman Birkett, Esq., and Sheldon H. Elsen, Esq., of the Committee on Federal Legislation of the Association of the Bar of the City of New York; Leon RisCassi, Esq., and Theodore Koskoff, Esq., of the American Trial Lawyers Association; William Taylor, Esq., Staff Director of the U.S. Commission on Civil Rights; the Honorable Irving R. Kaufman, U.S. Court of Appeals for the Second Circuit, and chairman of the Committee on the Operation of the Jury System of the Judicial Conference of the United States; the Honorable Alexander Holtzoff, U.S. District Court for the District of Columbia; Joseph L. Rauh, Jr., Esq., of Washington, D.C.; Clarence Mitchell, Jr., Esq., legislative chairman of the Leadership Conference on Civil Rights; Gen. Charles Decker, of the National Legal Aid and Defender Association; Melvin Belli, Esq., of San Francisco; Lawrence Speiser, Esq., of the American Civil Liberties Union; J. Albert Woll, Esq., of the AFL–CIO; nine clerks of U.S. district courts; Frank Reifsnyder, Esq., of the American Bar Association; Robert Landis, Esq., of the National Association of Railroad Trial Counsel; Jack G. Day, Esq., of the National Association of Defense Lawyers in Criminal Cases; the Honorable J. Braxton Craven, U.S. Court of Appeals for the Fourth Circuit; and the Honorable Donald P. Lay, U.S. Court of Appeals for the Eighth Circuit.

At the conclusion of these hearings, the decision was reached to report out an amended version of S. 989—the bill approved by the Judicial Conference of the United States. Your committee believes that S. 989 is the measure that best combines the principle of random selection with the flexibility required to accommodate local conditions in 93 judicial districts. Most of the witnesses testifying lent support to this measure. And many testifying on behalf of the administration's measure, S. 1319, also stated the view that S. 989, a bill predicated upon the same principles, was a satisfactory alternative.

The reported bill also has the full support of the American Bar Association. The measure was considered at length by both the ABA's Section of Judicial Administration and its Section of Criminal Law. Both sections approved resolutions, without dissenting vote, urging enactment of S. 989. At the 1967 annual convention, the ABA's Board of Governors unanimously approved S. 989, and sent the proposal to the association's highest body, the House of Delegates. The House of Delegates, after a thorough discussion of the bill and the principles behind it, passed without substantial opposition a resolution that "approves and endorses S. 989." [7]

Additionally, S. 989 has a "legislative history" within the Judicial Conference that is worthy of note. A 26-year history preceded the Conference's sponsorship of the proposal. In 1941 a committee under the chairmanship of Judge John C. Knox, of the southern district of New York, undertook a comprehensive empirical investigation of existing practices as a background for proposed reforms. The committee analyzed responses to detailed questionnaires returned by all district judges, court clerks, jury commissioners, and 43 local bar associations. Its report led, 14 years later, to the adoption of uniform qualifications for Federal jurors in the Civil Rights Act of 1957.

But the Conference recognized that only a first step had been taken. In September 1957 it authorized the Institute of Judicial Administration in New York to update the Knox report. This study led to a new report approved by the Conference in 1960—"The Jury System in the Federal Courts," 26 F.R.D. 409. This report noted that despite the 1957 reforms difficulties remained in the selection process as a whole. The source of juror names remained unspecified and, in fact, names were still obtained from key men and unofficial lists. The 1960 report recommended that selection be conducted so that jurors would represent as high a degree of intelligence, morality, integrity, and commonsense as possible. The report concluded, however, that problems of jury selection ought not to be attacked with uniform national legislation.

But complaints continued to mount that jury selection was mismanaged in some districts. The Conference's initial response was to request U.S. attorneys to review selection procedures with the local clerk and jury commissioners. This request led to reports by the U.S. attorneys concerning particular substandard districts, and in each one of the chief judges of the relevant circuit and district were duly informed. In 1962, the Conference took a further step. A bill proposed by the Conference's Committee on the Operation of the Jury System was introduced as H.R. 3284 in the 88th Congress. It contained, among other things, machinery to root out systematic exclusion of particular classes of individuals from the jury panel, and provision for the use of questionnaires in selecting qualified jurors. No action was taken on this bill during the 88th Congress, but it was reintroduced in the 89th Congress as H.R. 5640, which was passed by the House. Interest in the subject of jury selection increased, and in 1966 this interest had reached the point that 34 jury bills were pending before the Congress.

The major proposal under consideration in 1966 was title I of the 1966 civil rights bill, introduced in the House as H.R. 14765 (passed by the House on August 9, 1966), and in the Senate as S. 3296. Title I of these bills is the predecessor of S. 1319 introduced this year. But the Judicial Conference did not have an opportunity to consider the measure, and that factor, together with serious problems of administrative feasibility, was widely cited as a major reason for the failure to enact the proposal.

The Conference responded quickly, however, to the controversy aroused by the attempt to legislate extensive jury selection reform. In August 1966, Chief Justice Earl Warren reactivated the Conference's Committee on the Operation of the Jury System, appointed Judge Irving R. Kaufman, of the Court of Appeals for the Second Circuit, as Chairman, and named eleven other members, one from each judicial circuit: The Honorable Robert A. Ainsworth, Jr.; the Honorable William H. Becker; the Honorable J. Spencer Bell; [8] the Honorable Edward C. Bratton; the Honorable Bernard M. Decker; the Honorable Howard T. Gignoux; the Honorable A. Leon Higginbotham; the Honorable Alexander Holtzoff; the Honorable William J. Jameson; the Honorable Sylvester J. Ryan; and the Honorable Frank W. Wilson.

The Kaufman Committee met first in September 1966 after its members had studied pending jury bills, congressional hearings, correspondence from judges, court clerks, jury commissioners, and U.S. attorneys, and a large volume of materials previously reported to the Conference. At the Committee's suggestion the Conference at its September 1966 meeting endorsed the principle of random selection to achieve representative juries, and approved the appointment of a subcommittee to study the details of legislation. The subcommittee, chaired by Chief Judge William H. Becker, formulated its views at a meeting in November 1966, and subsequently drafted a bill and a report that were submitted to the Kaufman Committee in January 1967.

In February 1967, the President sent to Congress the civil rights bill of 1967. In its major principles, title I of that bill did not differ from the Kaufman Committee's pro-

[4] Id., at pp. 211–212.

[5] Id., App. II.

[6] See H. Rept. No. 261, 89th Cong., first sess., at p. 2.

[7] See hearings, "Federal Jury Selection," p. 689a.

[8] Judge Bell died in March of 1967. He was succeeded by the Honorable J. Braxton Craven, Jr.

posal or from the administration's 1966 proposal. But the Kaufman Committee chose to go forward with its own measure since it contained important differences in detail that were responsive in the main to changes suggested by district judges throughout the country.

On February 16, 1967, Senator Tydings introduced the Kaufman Committee's proposal as S. 989. It was introduced prior to Judicial Conference consideration in order that it might be before the subcommittee at each of its hearings. Subsequently, the Judicial Conference approved the measure, disapproved all other pending bills, and gave Judge Kaufman authority to make technical changes for the Conference.

The foregoing history of the Judicial Conference's activity in the jury selection area reflects the care with which S. 989 was prepared. The proposed legislation has emerged only after 26 years of empirical study and deliberation by members of the Federal judiciary, who have kept up a continuing dialogue as well with those interested in jury selection in all sectors of the legal process.

GENERAL PRINCIPLES OF THE LEGISLATION

The bill embodies two important general principles: (1) random selection of juror names from the voter lists of the district or division in which court is held; and (2) determination of juror disqualifications, excuses, exemptions, and exclusions on the basis of objective criteria only. These principles provide the best method for obtaining jury lists that represent a cross section of the relevant community and for establishing an effective bulwark against impermissible forms of discrimination and arbitrariness.

Random selection from voter lists is not a new method. It has been used by a number of Federal district courts for some years, in part because it can easily be used to produce a large number of juror names. In many districts citizens have complained about the frequency with which they are called for jury service while others, equally qualified, are called infrequently or not at all. Random selection from voter lists should go far toward eliminating these complaints, both because anyone whose name appears on the voter lists has a chance of being selected equal to that of any other listed person, and because voter lists contain a number of names sufficiently large to insure that no one need be called for more than his fair share of jury duty.

The advantages of random selection from voter lists are not limited, however, to easing the clerks' task in obtaining a sufficient number of jurors or to allocating jury duty fairly among the citizenry. More important, random selection eliminates the key man system and ensures that jurors will be selected without regard to race, wealth, political affiliation, or any other impermissible criterion. It is for this reason that random selection traditionally has been the method used to select juror names from the qualified jury wheel. The bill simply extends this principle backward in time to encompass the method used to obtain the names placed in the qualified jury wheel. It thus virtually eliminates the possibility of impermissible discrimination and arbitrariness at all stages of the jury selection process, and thereby tends to ensure that the jury list will be drawn from a cross section of the community.[9]

The bill specifies that voter lists be used as the basic source of juror names. These lists provide the widest community cross section of any list readily available. Census data quickly become out of date and are not suitable. In the words of Attorney General Ramsey Clark presenting the administration's views:

"We looked at every type of list we could find. We looked at post office addresses, at Civil Service Commission lists, at Social Security lists, and we considered telephone books, and a city directory sort of list, and we couldn't find any list that would be across the country nearly as good as the voter list."[10]

Prof. Harry Kalven and Prof.-Statistician Hans Zeisel were among the many witnesses who agreed:

"Now which lists are under consideration? Telephone lists have the disadvantage that they have an economic bias. * * * City directories, to the extent to which they exist, are a good source, although they have the difficulty that they contain also non-U.S. citizens, and therefore have a lot of names which have to be screened out. * * * But the major argument against using city directories is that they are available only in very few cities. * * * When all is said and done, we believe that the voter registration list is by far the most desirable list as the foundation of the juror selection process. We don't mean necessarily that the voter list should be the only one. If it is found seriously deficient, as it might be in some areas, then by all means it should be supplemented by other lists, but I think from the point of view of the statistician who wants to obtain a representative cross section of the population, the voter list is by far the most desirable source.[11]

The bill requires that the voter lists be supplemented by other sources whenever they do not adequately reflect a cross section of the community. It also allows for substitution of other lists for the voter lists, but only in those rare instances in which the policies of the act require such substitution.

The voting list requirement, together with the provision for supplementation or substitution, is therefore the primary technique for implementing the cross sectional goal of this legislation. The bill uses the term "fair cross section of the community" in order to permit minor deviations from a fully accurate cross section. The voting list need not perfectly mirror the percentage structure of the community. But any substantial percentage deviations must be corrected by the use of supplemental sources. Your committee would leave the definition of "substantial" to the process of judicial decision.

If the voter lists are used and supplemented where necessary, and if the procedures outlined in the bill are otherwise rigorously followed, it is no departure from the standards of the legislation that the qualified jury wheel, the venire or array, or the jury itself, may not reflect a community cross section. The act guarantees only that the jury shall be "selected at random from a fair cross section of the community." It does not require that at any stage beyond the initial source list the selection process shall produce groups that accurately mirror community makeup. Thus, no challenge lies on that basis. In short, the act attempts to achieve its cross sectional aim by insuring that the basic source list is adequate in that regard and that no procedure is employed that would impermissibly diminish the likelihood that a cross section will be attained.[12]

In a sense the use of voter lists as the basic source of juror names discriminates against those who have the requisite qualifications for jury service but who do not

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[9] In the interest of theoretical accuracy, some qualifications should be added. Although the bill declares as its policy that litigants in the Federal courts "have the right to grand and petit juries selected at random," the selection system under the bill would not be entirely random. At various points in the process, candidates for jury service may be eliminated if they fall short of the requirements for service specifically enumerated in the bill. Moreover, preemptory challenges and challenges for cause are retained. All of these instances are, strictly speaking, exceptions to a purely random selection system. But the bill otherwise firmly establishes the principle of randomness by requiring the use of random techniques for arriving at the names of those who shall then be subject to the specified bases for elimination.

It is also true that, to the extent that the bill does provide for random selection, it does not insist upon randomness in the sense in which that term might be understood by statisticians. Many districts may seek the aid of statisticians in developing systems of selection that do meet the standards of that profession, and they are encouraged to do so. No doubt such systems enhance the likelihood of attaining the cross sectional goal of the bill. But for reasons of administrative feasibility your committee did not deem it necessary to require the use of random selection in the statistical sense. It is sufficient for the purpose of this legislation if the plan adopts some system of selection that affords no room for impermissible discrimination against individuals or groups.

Thus, for example, the plan may specify selection of every 76th name from the voter list, or every name at the bottom of a page in the list, or all the names on the list, even though in certain cases statisticians might not agree that truly random selection would be the result. Likewise, in drawing names from the mastet and qualified jury wheels some similar processes may be designated. Under this definition of randomness, the plan may also permit courts to continue to use "rotation methods" or "jury pools" in assigning persons to grant and petit juries, provided that these methods, too, are free from any taint of impermissible discrimination against groups or individuals. See, e.g., the discussion of proposed sec. 1866, infra, at pp. 31–32.

[10] Hearings, "Federal Jury Selection," at p. 43.

[11] Id., at p. 131.

[12] This textual comment is designed to resolve the doubts raised in a recent case. In footnote 8 of the opinion in *United States* v. *Telman* (Aug. 3, 1967) Crim. 25009, the U.S. District Court for the Northern District of Georgia speculated as follows:

"When there is no systematic exclusion and when the selection is made objectively and impartially, reason would dictate that all that is required has been done. However, when the conceptual standard of an adequate cross section is superimposed on a concurrent practical racial problem, the situation becomes blurred. There is reason to conclude that racial balance has become an *absolute* jury standard and prior permissive qualifications or sources become absolute if racial imbalance indirectly results. This pragmatic approach is demonstrated by such cases as *Labat* v. *Bennett*, 365 F. 2d (5th Cir. 1966); *Brooks* v. *Beto*, 366 F. 2d 1 (5th Cir. 1966); *Scott* v. *Walker*, 358 F. 2d 56 (5th Cir. 1966); and a host of cases exemplified by the listing in note 3 of *Billingsley* v. *Clayton*, 359 F. 2d 13 at 17 (5th Cir. 1966). When a bona fide system objectively administered happens to produce an imbalanced racial result, its legality is still somewhat subject to question. Until that question is finally resolved by the courts or new legislation, it would appear reasonable that a jury commissioner and clerk would be justified in securing sufficient questionnaires from know Negro electors until a sufficient number of such cognizable racial group in the community is adequately reflected on the qualified list. Certainly, to within the permissible variances indicated in *Swain* v. *Alabama*, 380 U.S. 202 (1964), and *Billingsley* v. *Clayton*, 359 F. 2d 13 (5th Cir. 1966). Otherwise, all interim trails would be open to this attack."

This bill makes clear that proportional racial representation is not required if the procedures of the bill are followed.

register or vote. This is not unfair, however, because anyone with minimal qualifications—qualifications that are relevant to jury service—can cause his name to be placed on the lists simply by registering or voting. No economic or social characteristics prevent one who wants to be considered for jury service from having his name placed in the pool from which jurors are selected.

The second principle—determination of disqualifications, excuses, exemptions and exclusions on the basis of objective criteria only—is designed to work with random selection to produce juries that represent the community fairly. In essence, this principle would prohibit the widespread current practice of imposing qualifications above and beyond those specified by Congress.

Many Federal district courts and officials administering jury selection treat the present statutory qualification requirements—citizenship, age, residence, literacy, health, and lawful behavior—as minimum standards to which may be added subjective notions of "good character, approved integrity, sound judgment and fair education." See, e.g., *United States* v. *Hunt*, 265 F. Supp. 178, 183 (W. D. Texas, 1967). In at least some instances, even though the jury selection officials were well intentioned, these additional qualification requirements have produced discriminatory results, especially in relation to the poor and other minorities. See e.g., *Rabinowitz* v. *United States*, 366 F. 2d 34 (5th Cir. 1966). Moreover, your committee does not believe that additional qualifications are necessary to obtain jurors with intelligence and good judgment sufficient to understand and render an appropriate verdict. Accordingly, the bill prohibits them. It should be noted, however, that the bill does not change the method of challenging jurors at voir dire. In particular, the bill leaves undisturbed the right of a litigant to exercise his peremptory challenges to eliminate jurors for purely subjective reasons.

There are some who do not agree with the bill's insistence upon objective qualification criteria. They would authorize the jury commission or the clerk to interview potential jurors in order to determine whether, for example, the ostensibly qualified juror is "so lacking in intelligence, information, probity, or common sense as to be unable to render satisfactory jury service." Advocates of such pretrial "subjective screening" contend that unless it is permitted, random selection of jurors, screened only for objective qualifications, will undermine the quality of jury performance.

All who are concerned with fair jury selection are concerned as well that juries be competent to perform the tasks assigned to them. As Senator Ervin, of North Carolina, has pointed out in summarizing the conclusion of the 1960 Judicial Conference Committee on the Operation of the Jury System, "the jury * * * has an awesome responsibility in American justice. It determines the fate of men—their property, their freedom, and sometimes their lives. To work well, indeed, to work justice, the jury must perform according to the premises that the law lays down."[13] To be able to do this the jury must be able to listen to the evidence and evaluate it sensibly, to comprehend the instructions given on the governing law, and to make its decisions wisely and honestly. Your committee has felt very strongly, therefore, that if juries are to perform satisfactorily, the quality of jurors must be maintained. For that reason, your committee has devoted considerable attention to ensuring the quality of jurors and thus has approved this bill only upon determining that it includes a number of provisions sufficient to attain high levels of juror competence.

These statutory safeguards against incompetence[14] constitute one reason for your committee's decision not to include a provision for subjective screening in the bill. But in addition, there is persuasive evidence that subjective interviews are neither useful nor required to secure competent juries. The case against subjective screening rests on three grounds: first, any feasible system of interviews would be inadequate at best in determining whether a potential juror has such quality as "probity" and "common sense"; second, the cost of the interviews would be high and the risks serious, and both would be excessive in relation to any possible benefits; and third, existing empirical evidence demonstrates no need for such screening.

If personal interviews were authorized, praticality would demand that they be short. In most metropolitan districts where large numbers of jurors are called, extensive interviews would burden court officials intolerably. Even with additional court personnel,[15] it is hard to conceive that the interviews could be longer than 20 or 30 minutes. Interviews so short cannot adequately test for many of the qualities most important for jury service; for example, attention span, memory, ability to evaluate character and credibility, capacity to distinguish the relevant from the irrelevant, willingness to follow instructions, impartiality, and range of general living experience.

And many of the qualities the interviewers would be asked to look for are, in the words of Judge Irving Kaufman testifying before the subcommittee, like "globules of mercury—impossible to grasp." For example, it is highly unlikely that all would agree on whether a given individual has commonsense, and it is even more unlikely that any such judgment could justifiably be grounded on a short interview. Hence, subjective screening is likely to distort the composition of the venire and thereby undermine the basic cross-sectional goal of the selection process. Significantly, in districts where subjective screening takes place now, the judges of the Judicial Conference Committee learned that a "prospective juror may be considered unfit for jury service because a clerk thinks his appearance is sloppy, or his [formal] education is deficient, or because he is not very articulate, or speaks with an accent, or appears nervous. * * *"[16] Impressions such as these are likely to form the basis for a stereotype of a "good juror" that will be used by interviewers to reject all who do not meet its narrow criteria. Thus, even if interviewers always act in good faith, they will tend to produce distorted juries that do not speak with the voice of the community.

In addition, the undefinable contours of subjective criteria provide opportunities for discrimination by the occasional official who acts in bad faith. To meet this possibility there ought to be a procedure for challenging the selection system on the ground that official discretion was exercised in bad faith. The availability of such a procedure would increase judicial burdens by requiring courts to evaluate allegations not only of procedural irregularity in the selection system, but also of bad faith. It would thereby frustrate one of the purposes of the statute—to limit and simplify the challenge process by restricting challenges to those based on procedural grounds.[17] Moreover, the vagueness of subjective standards is likely to be sufficient to cloak evil intent and thereby render effective review impossible.

Due to the virtually unreviewable discretion of the interviewers, the result of a subjective system must be confusion, uncertainty, and diversity in the qualifications for jury service. An occasional juror lacking in probity or commensense may in fact be weeded out, but only at the cost of others, fully qualified to serve, who have been deprived of the opportunity on a basis unrelated to their capacity to perform. Ultimately, then, subjective screening is both unlikely to enhance the competence of juries and quite likely to undermine their representational character.

It may yet be argued, however, that subjective screening ought to be authorized because, even if inefficient and inaccurate, it is the only process available to weed out those whose incapacity will not show up under objective tests. That argument might be persuasive if there were compelling evidence that in the absence of such screening our juries would be substantially infected with incompetent jurors.

Existing evidence, however, is quite to the contrary. The process of random selection from a broadly based list, coupled with disqualification on the basis of objective criteria only, is already operative in a substantial number of judicial districts. For example, such a selection process has been in use in the district of Nevada for approximately 40 years. There have been no substantial allegations of jury incompetence in the Federal courts of that State. Likewise, in a number of heavily populated judicial districts the experience has been the same.

In the eastern district of Michigan, encompassing Detroit, such a system has been in use in the U.S. district court for 10 to 15 years, without substantial complaint that juries do not perform at high levels. The following judicial districts also employ systems that do not differ significantly from the random-selection and objective-criteria principles of S. 989, although they may differ widely in the details of how these principles are administered: Alaska, the four California districts, the Canal Zone, Colorado, Delaware, the southern district of Florida, the middle and northern districts of Georgia, Hawaii, the northern and southern districts of Illinois, the eastern and western districts of Missouri,[18] Minnesota, Massachusetts, the eastern district of Louisiana, New Jersey, the eastern district of New York, North Dakota, the southern district of Ohio, the eastern district of Oklahoma, Puerto Rico, Rhode Island, Utah, the eastern district of Virginia,

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[13] Ervin, Sam J., Jr., "Jury Reform Needs More Thought," 53 American Bar Association Journal 133, 134 (1967).

[14] See pp. —, infra.

[15] A number of court clerks responding to the subcommittee's questionnaire emphasized that any increase in the functions of their staffs would require additional manpower and additional appropriations for operating costs. At least seven districts would require several thousand interviews annually under a subjective screening system, and these are precisely the courts that already are most overburdened. See hearings "Federal Jury Selection," app. II.

[16] Id., at p. 255.

[17] See sec. 1867 of S. 989.

[18] The clerk of the U.S. District Court for the Western District of Missouri, commenting on that district's experience with its random selection system, stated:

"A review of the questionnaires returned to date makes it apparent that this is the best cross section, both from various sections of the communities and various economic levels, that has been available for jury wheels in the western district of Missouri. The response to the questionnaires has been much greater than in the past and the conclusion may be drawn that people who feel an obligation to register or to vote also feel a duty to respond to jury service." Second Report to the Court En Banc on Operation of New System of Random Selection of All Prospective Jurors from Registration and Voting Records, Feb. 24, 1967, reprinted in hearings, "Federal Jury Selection," at p. 652.

and the eastern district of Wisconsin.[19] The Judicial Conference of the United States and its Committee on the Operation of the Jury System concluded that there was no evidence of lower juror quality in districts whose processes of selection embody the principles of the proposed bill.

The Conference's conclusion is buttressed by the University of Chicago's jury project—the most comprehensive statistical study of the American jury system that has yet appeared. The results of that study have been published by Profs. Harry Kalven, Jr., and Hans Zeisel in their book "The American Jury," and were presented at subcommittee hearings.

The Chicago jury project investigated 3,576 criminal jury cases over a 12-year period.[20] By asking questions of each judge involved designed to compare the jury's verdict and performance with the judge's assessment of the case, the project demonstrated that juries, as they are presently selected, are competent to understand the cases put before them. The basic finding was that the jury and the judge agreed as to the outcome in 75 percent of the cases. That agreement is an index of jury competence, for if the jury fails to understand the case, it must be deciding a different case from the judge. And if it is deciding a different case, its agreement with the judge would be a matter of chance—a hypothesis that does not square with so high a percentage of agreement as 75 percent. Moreover, where disagreements did occur, only one judge cited the failure of the jury to understand the case as a reason for it.

In cases the judges regarded as "difficult" to comprehend, the project discovered that the juries came back to court with inquiries twice as often as in cases regarded as "easy." Hence jurors apparently perceived the "difficult" cases as "difficult" and the "easy" ones as "easy." Moreover, as might be expected, the percentage of disagreement between judge and jury increased in cases the judges regarded as "close" or difficult to decide. But disagreement did not increase in cases regarded as difficult to comprehend, although not "close." Again the juries appeared to have understood the difficult cases, since they differed with the judges as to the outcome largely in cases in which judges found room for disagreement by labeling them "close," whether "easy" or "difficult" to comprehend.

Professors Kalven and Zeisel testified at hearings held by the subcommittee that the results of the Chicago project were nearly uniform across the country. This finding is the basis for their conclusion that juries chosen without the aid of subjective screening are no less competent than juries selected after such screening. No statistical study has concluded otherwise. Thus, there is no convincing evidence that random selection plus objective criteria must be supplemented by subjective interviews in order to ensure competent juries. Indeed, the success of so many judicial districts using systems based entirely on random selection and objective criteria[21] virtually compels the opposite conclusion. In view of these highly persuasive and mutually reinforcing lines of evidence, your committee cannot conclude that subjective criteria and personal interviews are necessary to insure the competence of Federal juries. Accordingly, there is no justification for including in S. 989 any provision for subjective screening, the haphazard results of which would otherwise threaten the cross-sectional goal of the jury selection process and burden the administration of justice in the Federal courts.

As noted earlier, significant provisions are contained in S. 989 that substantially guarantee juror competence, and the existence of these provisions buttresses the conclusion that subjective screening is unnecessary. The initial line of defense against incompetence is the requirement that voter lists be used as the primary source of potential jurors. Voter lists contain an important built-in screening element in that they eliminate those individuals who are either unqualified to vote or insufficiently interested in the world about them to do so. But above and beyond that manifestation of interest in the affairs of citizenship stand the objective qualifications required by S. 989. A juror must be able to read, write, and understand the English language with a degree of proficiency sufficient to understand and fill out a juror qualification form. In case of doubt the potential juror may be required to fill out a second form in the presence of the clerk or jury commission. The candidate's performance at this point may then be reported to the court. The potential juror must also be able to speak the English language.

The proposed legislation disqualifies those incapable of rendering satisfactory jury service by reason of mental or physical infirmity. The bill also contains some guarantee of "probity" at least to the extent that persons are disqualified who have charges pending against them for, or have been convicted of, a crime punishable by imprisonment for more than 1 year. Moreover, the 1-year residence requirement assures some substantial nexus between a juror and the community whose sense of justice the jury as a whole is expected to reflect.

The foregoing screens will eliminate virtually all those who ought not to be allowed to serve on a jury—the illiterate, the feeble-minded, the insane, the decrepit, the infirm, the accused, and the criminal. But the bill gives the judges further powers to eliminate incompetents. Under provisions of proposed section 1866(c)(2) a district judge can exclude those summoned who "may be unable to render impartial jury service," or whose service "would disrupt the proceedings." And under 1866(c)(5) the judge can exclude those whose service he determines "would be likely to threaten the secrecy of the proceedings or otherwise adversely affect the integrity of jury deliberations."

The explicit conferral of these powers upon the judge is a feature of S. 989 that responds to an important need. As Senator Ervin pointed out at the subcommittee hearings, any bill would be deficient if it left a judge powerless to eliminate at least the most undesirable candidates who otherwise meet the statutory qualifications for service.[22]

No such power vacuum exists under the reported bill. The judge has power to exclude those whose impartiality is seriously in question and those who "would be likely to disrupt the proceedings." It is intended that "disrupt the proceedings" include only physical disruption of the proceedings. For example, the "community drunk" who would be likely to disturb orderly processes in the jury room can be excluded under this criterion. Other possible kinds of disruption are to be dealt with under section 1866(c)(5). A notorious underworld figure who has never been convicted and is currently free from any criminal charge could, under that section, be excluded from a grand jury if his service would be likely to "threaten the secrecy of the proceedings." And the hobo who cannot be trusted to appear each day in court might be excluded on the ground that his participation might "adversely affect the integrity of jury deliberations." Section 1866(c)(5) is thus designed to insure that the judge has power to eliminate the rare person who is technically "qualified" to serve but who is clearly unsuited for such service. Since it is contemplated that these instances will indeed be rare, exclusion under clause (5) is limited to one per centum of the number of persons who return executed juror qualification forms during the period between two consecutive fillings of the master jury wheel. This percentage limitation will also help to prevent abuse of the otherwise broadly phrased language of the clause.

The provisions for exclusion under these statutory criteria differ in important ways from a system of pretrial subjective screening. These provisions would authorize the exclusion of persons only in the unusual instances and, therefore, in contrast with pretrial subjective screening of every potential juror, they do not seriously threaten the representational goal of the selection process.

Finally, after the foregoing statutory screens have come into play, the proposed bill preserves the traditional right of the parties to challenge a juror for cause or to strike him peremptorily. The eagerness of at least one party to eliminate an unsuited juror cannot be discounted as an effective bulwark against all forms of juror incompetence.

It is possible, of course, that an unsuitable juror will occasionally slip by. But he slips by under present systems of selection

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[19] The list in the text contains judicial districts employing systems that, without significant deviation, embody the major principles of S. 989: random selection from a broadly based list together with elimination of unsuitable candidates on the basis of objective criteria only. See Hearings, "Federal Jury Selection," app. II. In some of the districts enumerated, voter lists are not used, but for the purpose of assessing the impact of the principles embodied in S. 989 upon juror competence, this difference is not significant. In these instances the districts use a broadly based list or combination of lists—reflecting, in a manner approximating the voter list, a cross section of the community. Moreover, a number of districts do use voter lists as the source of potential jurors. Included among these are: the eastern and southern districts of Illinois, the northern and middle districts of Georgia, the western district of Missouri, Montana, New Jersey, the eastern and southern districts of New York, and the southern district of Ohio.

Finally, it should be noted that some districts have not been included in the list in the text even though they use jury selection systems quite like that embodied in S. 989. For example, in the district of Oregon, which uses objective criteria exclusively to eliminate unsuitable candidates, voter lists are used for 98 percent of the names initially selected. But the jury commission in the district of Oregon chooses the remaining 2 percent from various minority groups in order to assure representation of these groups on jury arrays and venires. Since this feature of the plan deviates from a strict system of random selection, the district of Oregon is not included in the list in the text.

[20] The Honorable Henry J. Friendly, of the U.S. Court of Appeals for the Second Circuit, took note of the thoroughness and high quality of the study in his review of "The American Jury":

"This is the sort of lawbook that appears once in a decade. * * * This volume has indeed been long in coming. But if the authors had written the book rapidly, they would not have written the book they have. A pioneering work like this needs time. Entirely new tools had to be engineered, tested and remodeled; data had to be collected, analyzed, and reanalyzed. * * * This is a book to be savored and reread, not one to be gulped at a single sitting. Brilliantly avoiding Prof. T. R. Powell's barb at the kind of research where 'counters don't think and thinkers don't count,' it shows how, in the hands of imaginative scholars and skillful writers, figures can enrich old insights and afford new ones." Friendly, Book Review, 33 U. Chi. L. Rev. 884 (1966).

[21] See supra, at p. —.

[22] See hearings, "Federal Jury Selection," at pp. 51–56.

and no system of subjective interviews could promise perfection in this regard. Indeed, as noted previously, subjective screening is destined not only to fall short of perfection, but to yield unwanted exclusions as well. Since there is also no empirical evidence that jury competence is dependent upon it, there is no reason to adopt a provision that is likely to impair other goals of the jury selection process.

Accordingly, your committee is convinced that S. 989 contains features that will eliminate virtually every candidate unsuited for service.

But the proposed legislation does not rest with the elimination of the unsuited. The bill also contains provisions that your committee believes will upgrade the competence of Federal juries.

Under the bill, each plan will specify groups whose members may be excused or exempt from service. Although individual hardship excuses will still be possible, the specification of the groups who may justifiably avoid jury service will make it more difficult for members of the community who do not fall within these groups to avoid service on spurious grounds. Many professional and business people now easily avoid service on the ground that they are "busy people." Some will still be able to obtain individual excuses when they are under genuine hardship. But the casual granting of excuses to these presumably more intelligent members of the community will no longer be possible. Enhanced jury performance, as well as an enhanced community cross section, will be the result.

Jury performance will be enhanced as well by closer approximation as the cross sectional goal under the bill. It must be remembered that the jury is designed not only to understand the case, but also to reflect the community's sense of justice in deciding it. As long as there are significant departures from the cross sectional goal, biased juries are the result—biased in the sense that they reflect a slanted view of the community they are supposed to represent.

Therefore, although your committee regards the identification of competent jurors as a fundamental goal of jury selection, it determined that a provision for subjective screening would not constitute wise legislation. In your committee's view, the reported bill contains provisions that fully ensure continuing high levels of performance from Federal juries without any serious risk that other important goals of the jury selection process will suffer.

This conclusion is amply supported by the record developed at subcommittee hearings. Of 36 witnesses only four favored some form of subjective screening and only one of the four favored vesting such discretionary power in the clerk or jury commission. The statement of Judge Joseph S. Lord III reflects the views of those who vigorously opposed any such subjectivity in the selection process:

"The simple fact of the matter is that if what we seek in jury selection is a fair representation of the whole community, it makes less than good sense to formulate—or indeed, to permit the formulation by others of—criteria which fall short of empirical certainty, when the tools with which to structure a virtually unassailable device for representative jury selection are already at hand." [23]

In his oral testimony Judge Lord added "that when you get into relative terms, like common sense, you are dealing with very, very dangerous language and with very, very dangerous standards. * * * If we are going to have a true random cross section and truly random selection, then I think the qualifications should not be dependent on such things, such intangibles, as probity, common sense, and so forth." [24]

Judge Lord's views were substantiated from the statistician's point of view by Prof. Edwin Mills, of Johns Hopkins University:

"In general, I believe that the dangers of such subjective criteria are great and that they should be permitted only when the need is clear and great." [25] And Professor Mills went on to conclude that existing empirical evidence demonstrated no such need.

The statement of Joseph L. Rauh, Jr., is also illustrative:

"The creation of additional tests concerning intelligence, integrity, morality, and common sense would negate the very principle of equality reflected in the phrase 'a jury of his peers.' * * * Worst of all, by creating a vague subjective test * * * the mechanical application of random sampling is defeated and the certainty of equality predicated on objective tests is totally lost." [26]

This testimony was endorsed by nearly 50 organizations representing a broad spectrum of American opinion, including: the National Association of Real Estate Brokers, Inc., the Improved Benevolent and Protective Order of Elks of the World, the Protestant Episcopal Church-Division of Christian Citizenship, the National Catholic Conference for Interracial Justice, the National Council of Jewish Women, the National Council of Negro Women, the National Newspaper Publishers Association, the American Newspaper Guild, the International Ladies' Garment Workers' Union of America and the United Automobile Workers of America.[27]

In the last analysis, however, the words of Attorney General Ramsey Clark state the case most forcefully:

I think we have intelligent jurors. I think we are a nation of intelligent people, and I think we can judge each other fairly without trying to make subjective judgments about who is wise, who is good, and who is truthful. * * * I would rest my case with the people." [28]

Section analysis

Section 101 is the body of the statute, amending sections 1861 through 1869 of title 28 of the United States Code.

The new section 1861 sets forth the policy underlying the legislation. It establishes, as the policy of the United States, that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a cross section of the community. No litigant has the right to a jury that itself mirrors the makeup of the community. On any single jury some groups may be over-represented and others under-represented. But the technique of random selection tends to ensure, according to the laws of probability, that distortion most often will be minor and will even out in the long run. If a given jury is not a perfect cross section of the community that situation is a product of the laws of chance, together with the permissible statutory grounds for elimination from service set forth in the act, and not of impermissible discrimination.

The new section 1861 also guarantees the right of qualified citizens to an opportunity to be "considered for service" under the procedures set forth. No citizen has the right to be selected or the right to serve. But each qualified citizen has an equal opportunity to cause his name to be among those from which random selection is made. Under this bill, a citizen may avail himself of that opportunity by registering to vote, or by voting. Moreover, in accord with section 1863(b)(2), voter lists will be supplemented by other sources of names if they do not reflect a community cross section.[29]

The new section 1862 implements the cross-sectional policy of section 1861 by expressly prohibiting discrimination in the Federal grand and petit jury selection process. It extends the present statutory ban on discrimination on the ground of race or color to discrimination on the ground of religion, sex, national origin or economic status.

The new section 1863 requires each judicial district or division to adopt a formal plan for random jury selection. The plan must be consistent with the policy objectives of the bill and also must contain a variety of provisions specified in this section. The plan must be approved by a reviewing panel comprised of the members of the appropriate judicial council and either the chief judge of the appropriate judicial district or some other active judge from that district appointed by the chief judge. Your committee believes that the addition of the reviewing process of a district judge from the district court whose plan is under review will insure that any special considerations underlying particular features of the district court's plan will be given adequate weight by the reviewing panel. The plan is also subject to rules and regulations adopted by the Judicial Conference of the United States. The reviewing panel is to examine the district court's plan not so much for its effectiveness—which is primarily the responsibility of the district court—but rather for compliance of the plan with the statutory requirements. It is not intended that the panel should be able to substitute its own plan for the district court's if the district court's plan complies with the statute.

There is abundant precedent for having circuit judges review the selection plan even though these same judges may later be required to hear an appeal testing the legality of the plan. For instance, the Supreme Court establishes the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, and the Supreme Court is also the ultimate arbiter of the validity of those rules. See, for example, *Sibbach* v. *Wilson & Co.*, 312 U.S. 1, wherein the Court considered the validity of Federal Rule of Civil Procedure 35. Likewise, the judicial council of the circuit, pursuant to section 332 of title 28, may make orders for the courts within the circuit, and may then sit as the arbiter of the validity of those orders. In fact, the approval provision in the proposed statute may only make crystal clear the scope of the power that the judicial councils pursuant to section 332 already have to modify or approve local plans, for that section provides that "each judicial council shall make all necessary orders for the effective and expeditious administration of the courts within its circuit." Presumably this authority embraces jury selection procedures as well as other matters of judicial administration and, but for the limitations of section 1863(a), might permit the judicial council to substitute its judgment for the district court's in choosing among several plans each of which complies with the statute. Finally, the involvement of the reviewing panels in the approval of jury selection plans may, by subjecting the plan to the deliberation of a second body, increase the likelihood that the plan will comply with the statutory provisions, and thereby reduce the likelihood of challenges.

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[23] See hearings, "Federal Jury Selection," at p. 77.

[24] Id., at pp. 80–81.

[25] Id., at p. 212.

[26] Id., at p. 290.

[27] Id., at pp. 291–292.

[28] Id., at p. 56.

[29] It is true that the bill also permits complete substitution of other lists for the voting list in certain cases. But these instances will be rare. And, in any event, substitution may take place only where necessary to further the policies of the act. Equal opportunity to be considered for service is a central policy that will have to be accommodated when such substitution is contemplated.

Although the plan adopted in each locality is subject to a number of requirements, the plan approach is designed to provide a significant measure of flexibility so that localities may adjust the administration of jury selection to their particular needs. This bill therefore eliminates, in large part, the rigidities that were the cause of much concern in last year's attempt at jury reform. As Judge Alexander Holtzoff noted in his statement before the subcommittee:

"I would like to say that S. 989, which is the measure carefully drawn by the Judicial Conference Committee, is a great improvement over the bill that was before you last year. The bill, S. 989, eliminates many of the ponderous and unworkable features of last year's bill." [30]

Mrs. Ruth LaFave, clerk of the U.S. Court for the Eastern District of Wisconsin, reached a similar conclusion in her statement:

"Not only does S. 989 overcome the technical objections voiced by the clerks in last year's hearings but it contains the following features which I believe add to its feasibility:

"(1) The provision for adoption of a plan for random selection by each district (patterned after the Criminal Justice Act) tailor-made to meet the needs of each district. * * *" [31]

Subsection (b) of section 1863 sets forth the general framework for each plan. Although certain features are mandatory, several choices are permitted. Under subsection (b)(1), each plan must designate an official to manage the selection process, but a jury commission is not required unless the plan chooses to establish one. But whether a clerk or commissioner manages the selection process, responsibility for supervision and control lies with the chief judge of the district or such other judge as the plan may provide. In locating ultimate responsibility in the hands of the district judge, this section adopts the principle of H.R. 5640, passed by the House in the first session of the 89th Congress. It hereby clearly resolves all doubt about the locus of final supervisory authority over the day-to-day operation of the selection system.

Special provision is made for the District of Columbia to retain its three-man jury commission.

Subsection (b)(2) contains the fundamental requirement that voter lists be used as the basic source of juror names. In accord with the theme of flexibility, each district plan may choose whether to use voter registration lists or lists of actual voters. These alternatives are offered because the preferred source, the registration lists, may not be up-to-date in some areas. Moreover, the bill recognizes that in some areas voter lists of all kinds may be insufficient to implement the policies of the act, by reason of local voting practices. Where that is true, the plan must prescribe other sources to supplement the voter lists. In some cases, voter lists may be so inadequate that they should be supplanted by other lists that will further the policies of the act. The bill states that such substitution should take place, but only in those rare instances in which it is necessary to do so.

Certain exceptions to the voter list requirement are established. Thus, the bill allows the District of Columbia plan to specify that the city directory may constitute the basic source from which the names of prospective jurors are to be drawn. Since in the District of Columbia there is voting only at Presidential elections, voters lists or voter registration lists would soon become out of date, especially in view of the mobility of the local population. Moreover, many persons who are inhabitants of the District of Columbia and who are otherwise eligible for jury service, do not vote in the District since they maintain a technical voting residence elsewhere. On the other hand, the city directory in the District of Columbia provides a comprehensive source of potential juror names. Judge Holtzoff of the district court in the District of Columbia stated in his testimony that "the city directory contains names of the entire population." He concluded that it "produces the best cross section" because it is the most comprehensive list there is.[32] Likewise, the plans for Puerto Rico and the Canal Zone may prescribe sources other than voter lists since these districts face special problems. In the Canal Zone there are no elections, and in Puerto Rico the voter lists would contain many names of persons not literate in English and therefore not qualified for jury service.

Subsection (b)(3) requires each plan to specify a procedure for random selection from the voter lists. These procedures will, therefore, vary from district to district in accord with local needs. Voter lists are kept in forms suitable for processing by computer in some of the larger districts, but most districts probably will have to rely on some method of manual selection analogous to picking, say, every 37th name on the lists. But each procedure must ensure that the names so selected are placed in a master jury wheel and that each political subdivision of a district or division is substantially proportionally represented in the master wheel.

Subsection (b)(4) of section 1863 provides for the master jury wheel and prescribes that each plan shall fix a minimum number of names to be placed in it initially. The formula for the minimum number has been reduced in this bill, in response to objections registered against versions of last year's jury reform proposals. Several clerks of court had objected to the requirement in last year's bill that the master jury wheel contain at least 1 percent of the total number of persons on the basic source list. This year's measure accommodates that objection by reducing the percentage requirement to one-half of 1 percent and by providing further that if this requirement is still too onerous the plan may fix a smaller number, but in no event less than 1,000. This section of S. 989 also eliminates another feature of last year's proposal to which objections were raised by many clerks. Last year's bill required a refilling of the master wheel at specified times. This bill requires only "periodic" emptying and refilling of the wheel at such times as each plan shall specify.

Local flexibility is the theme of subsections (b) (5) and (6) as well. Subsection (b) (5) permits each plan to identify occupational or other groups of persons whose members may request excuse from service. There must be a finding that service by such a group would entail "undue hardship or extreme inconvenience to the members thereof," and that excuse upon individual request would not be inconsistent with the basic policies of the bill. Such groups might include, among others, doctors, ministers, sole proprietors of businesses, and mothers with young children. Members of excused groups could serve if they desired to do so, but a request for an excuse must be granted. For example, a mother with young children might prefer to hire a babysitter in order to be free for jury duty, but if she chooses not to hire one her request for an excuse must be granted.

Subsection (b)(6) requires the plans to specify those groups whose members are exempt from jury service, i.e., who cannot serve even if they desire to do so. The plan must find that the exemption of such groups is "in the public interest" and would not be inconsistent with the basic policies of the bill. Each plan is required to exempt those groups presently exempted by statute: soldiers, policemen and firemen, and public officers.

Subsection (b)(7) permits local flexibility in excusing jurors because of the hardship involved in traveling long distances to the courthouse. Prospective jurors residing farther from the courthouse than a distance fixed in the local plan may individually request to be excused from service because of the travel hardship. This distance will be fixed in each plan in accordance with local conditions. The subsection makes clear that the excuse category based upon distance may state that distance either in terms of miles or travel time. This provision recognizes that, in certain States, persons residing hundreds of miles from the courthouse may be able to take advantage of modern transportation facilities whereas those residing relatively close to the court may encounter transportation conditions that would make their travel time substantially longer. In short, the bill allows each district to assess its own setting so as to ensure that people in certain groups are not burdened by geographical and transportation hardship.

Since names of prospective jurors will be selected from the voter lists of all political subdivisions within the district or division, persons living far from the courthouse will, in contrast to present practice, be afforded the opportunity to serve if they desire to do so, but a request for an excuse must be granted.

Subsection (b)(8) allows each district to provide a time for the disclosure of the names drawn from the qualified wheel. It thereby permits the present diversity of practice to continue. Some district courts keep juror names confidential for fear of jury tampering. Other district courts routinely publicize the names.

Subsection (b)(9) allows each plan to set up its own procedure for the assignment of qualified jurors to grand and petit jury panels. Thus "rotation" methods or jury "pools" or other devices may still be used.

Subsection (c) requires each district court to devise its plan and transmit it to the judicial council of the relevant circuit within 120 days after enactment. This should provide sufficient time for the district courts to devise plans that are in harmony with the requirements of this legislation, and since the effective date of the act is 270 days after enactment, the districts will have an additional 150 days in which to bring the approved plan into operation.

Subsection (d) requires the relevant officials to make the voter lists or other appropriate records available to the jury commissioner or clerk at reasonable times. It also confers upon the district courts jurisdiction to compel compliance upon application by the Attorney General.

The new section 1864 directs a public random drawing of as many names as necessary for jury service from the master wheel. These names are arranged alphabetically and a juror qualification form is mailed to each person. The recipient of the form is instructed to fill it out and return it by mail within 10 days. The bill also requires the returned form to be "sworn." Notarization is not to be required, but it is intended that the forms include provision for eliciting the sworn statement of the candidate that his responses are true to the best of his knowledge.

The provision for return by mail constitutes an improvement over versions of last year's bill that required an initial personal appearance to fill out the jury form in every instance. Under the bill, the clerk, commissioner, or court may require a potential juror to fill out a second form at the time of his appearance for jury service. This provision will be useful in resolving doubts about a juror's literacy. Moreover, although persons summoned for jury service who complete a second form are to be paid the usual juror's

[30] See hearings, at p. 281.

[31] Id., at p. 1252.

[32] Id., at pp. 284–285.

fees whether or not they ultimately qualify for service, the elimination of special personal appearances prior to the time for jury service will substantially reduce the cost of administering the selection process.

The provision with regard to filling out a second qualification form states that any person may be required to complete an additional form in the presence of the jury commission, the clerk, or the court, at which time, in such cases as it appears warranted, the person may be questioned but only with regard to his responses to the questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the judge for use by him in making the determinations required in section 1865(a). In adding to the original bill the sentences involved in the provision, it was not the intention of your committee to authorize the clerk or jury commission to carry on subjective interviews or to substitute the questioner's subjective judgment for facts that ascertain objectively whether the potential juror is qualified under the criteria of the bill. The change was only to make clear what was implicit in the original version of the bill—that the clerk or jury commission is to gather factual information that will assist the judge in making his own determinations under section 1865.

New section 1864 also contains a criminal penalty in subsection (b) imposing sanctions upon those who do not return an executed juror qualification form and ignore subsequent summonses to appear at the courthouse to fill out the form. A willful material misrepresentation on the qualification form also subjects a prospective juror to criminal penalties.

The duties imposed on the clerk or jury commissioner under subsection 1864(a) may, in accordance with the relevant plan, be performed by the clerk even if there is a jury commission; alternatively, some or all of these duties may be assigned by the plan to the jury commission. Thus this subsection of the bill carries out the general policy of providing a flexible mechanism for adjustment to local conditions.

The new sections 1865 and 1866 outline the selection process from the stage at which returned qualification forms are examined through the final designation of the jury. Central to each section is a careful articulation of the grounds upon which persons may be eliminated from jury service as: "disqualified," "exempt," "excused" or "excluded."

Section 1865 sets forth the grounds for eliminating a candidate prior to summoning him to court. In the language of the section, candidates may be eliminated at this stage only if they are "unqualified" to serve, or are "exempt" or "excused" under the district court plan. All candidates are "qualified" unless they are subject to the disqualifying criteria explicitly set forth in subsection 1865(b). But some are automatically barred if they fall within an "exemption" category described in the plan (e.g. policemen) and others may request to be "excused" if they are members of groups specified in the plan whose service is permissible, but not mandatory (e.g., the plan might provide for excuses, upon request, for all mothers with children under six). The section makes clear that exemptions and requests for excuses are to be determined by reference to the candidate's qualification form, and any other competent evidence—i.e., evidence which does not consist of subjective conclusions that would be contrary to the requirement of the Act that exemptions and excuses be determined only by reference to objective criteria.

At this pretrial stage a candidate may also be found "unqualified," but the bill would bring about important changes in the disqualification practices currently used in many districts. Under the new statute no criterion for disqualification can be added to those explicitly set forth in section 1865(a): age, length of residence within the district, illiteracy, physical or mental disability, and criminality.[33] Most importantly, section 1865(a) makes clear that for disqualifications, as is true for exemptions and excuses, subjective tests are prohibited. The bill designedly establishes only criteria that are considered to be directly and nondiscursively understandable. Thus, the disqualification criteria of section 1865(a) are purposely criteria that are capable of objective demonstration, in the sense that they are subject to proof by facts without any substantial possibility of distortion or interpretation of those facts by personal feelings or prejudices. Consequently, the bill contemplates a scheme whereby the only kind of evidence that can be used permissibly in making the determination of whether a potential juror is disqualified from service is competent evidence. Responses to the qualification form constitute the primary source of such evidence. But other competent evidence may also be used. The purpose of this restriction on the kind of evidence that may be used is to prevent a disqualification from being made on the basis of subjective considerations, such as the unsupported opinion of the clerk or other such evidence that is not verifiable independently of personal feelings. Thus, documentary evidence and testimony will be admissible as "competent evidence," although incompetent hearsay and non-expert opinion evidence will be excluded.

As introducted, S. 989 contained a section 1865(c) that reads as follows:

"Only objective criteria may be used to determine whether any person has satisfied any qualification for jury service or whether a basis exists for exempting or excusing any person for jury service."

This subsection was specifically designed to emphasize that subjective tests are no longer permissible. Your committee eliminated the subsection because it determined that the strict policy of objectivity is amply stated in subsection (a) by virtue of the provision limiting decisions to eliminate candidates to those based upon competent evidence. Subsection (c) was therefore redundant, and its elimination represents no departure whatever from the principle of objectivity set forth in the bill.

Section 1866 outlines the final stages of the selection process. The names of all candidates determined to be qualified under section 1865, and not exempt or excused pursuant to the district court plan, are placed in the "qualified jury wheel." As grand and petit jurors are needed, a pool of names is selected from that wheel, again at random. The bill does not require that the jury for an individual case be drawn at random directly from the qualified jury wheel. Instead, it permits procedures designed to utilize jurors more efficiently, such as jury "pools" and "rotation" systems. Subsection (b) provides for the service of summonses upon the persons so selected.

But section 1866 also recognizes that "qualified" candidates who are not within the categories of exemption and excuse set forth in plan may yet be eliminated under proper circumstances when they are summoned to court. For example, subsections (c)(3) and (c)(4) specifically preserve two traditional bases for elimination—elimination upon peremptory challenge and the challenge for cause. Candidates are to be eliminated pursuant to the procedures presently specified in section 1870 of title 28, and in Federal Rule of Civil Procedure 47 and Federal Rule of Criminal Procedure 24. In addition, other clauses of subsection (c) account for individual instances in which candidates, although technically "qualified," should not serve. Thus, clause (1) of subsection (c) enables the judge to grant to persons not included within the excuse categories set forth in the plan excuses for undue hardship or extreme inconvenience (e.g., grave illness in the family). These excuses may be granted for such period as the judge deems necessary. At the end of the period, the prospective juror shall be summoned again for jury service. When resummoned, such person may be reexcused if the hardship or inconvenience persists. This process of summons and excuse may be repeated as often as the judge determines that it is appropriate. When the cause for excuse finally ends, however, the person excused is to be summoned for service immediately without having his name reinserted in the qualified jury wheel.

Clause (2) of subsection (c) enables the court to "exclude" candidates qualified under the criteria of section 1865(b) who are nevertheless "unable to render impartial jury service" or who would be likely to physically "disrupt the proceedings." As noted earlier, these two grounds for elimination constitute an important line of defense against the plainly unsuitable juror who slips by the screening process prior to his appearance for service.[34]

Candidates eliminated under section 1866(c)(2)–(4) may sometimes be permitted to sit on other juries, *e.g.*, if they are excluded upon peremptory challenge. In other situations they may be prohibited from sitting on other juries, *e.g.*, if they are excluded because their service would be likely to physically disrupt the proceedings.

Clause (5) of section 1866(c) confers further power on the judge to exclude the unsuited from service. Those candidates whose service would be "likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations," may be excluded under this clause. Since the clause is designed to deal with the rare instances of the otherwise qualified juror who is nevertheless clearly unsuited for service, the bill includes certain protections against abuse of its purpose. First, the number of persons excluded under the clause may not exceed 1 percent of the number of persons who return executed juror qualification forms during a specified period. And further, the names of persons excluded under the clause together with detailed explanations for the exclusions must be forwarded immediately to the appropriate judicial

[33] With one exception, these criteria mirror the requirements for service enumerated in the present statute. The one exception is the disqualification of those against whom a charge is pending for a crime punishable by imprisonment for more than 1 year.

[34] See supra, at pp. ——. As introduced, S. 989 also included as another category within subsection (c) a provision that would have permitted the exclusion of a candidate "upon determination by the court upon challenge by a party or sua sponte that such person is unable for causes other than physical infirmities to fill out a juror qualification form or is otherwise not qualified for jury service pursuant to sections 1863, 1864, 1865, and 1866."

This provision was designed to ensure that the judge had an opportunity to check in court whether the qualification determinations made up to that point were valid. Your committee eliminated that provision because it was redundant. No change whatsoever in substance is intended. Section 1865(a) makes clear that a judge has the power "on his initiative" to make such determinations. Since that power is not limited by any time requirement, there is no reason to include a special provision in 1866 extending the power to cover proceedings in court.

council, which is given power to redress any misapplication of the clause.

Subsection (d) requires that the jury commission or clerk make note in specified places of the reason for the disqualification, excuse, exemption, or exclusion of any person from jury service. This recording requirement constitutes an important means for checking on the operation of the selection system. Together with the requirement in section 1868 that record be kept for a specified period of time, this provision will enable future Congresses to learn from the experience that develops under the new jury reform legislation. Since this bill constitutes the first major attempt to organize Federal jury selection in a coherent manner, it is of the utmost importance that it include such devices for purposes of evaluating its effectiveness.

Subsection (e) limits the extent to which jury service can be required of a person. In any two-year period, no person can be required to serve as a petit juror for more than 30 days (except to complete service in a particular case), or to serve on more than one grand jury, or to serve on both a grand and petit jury. This provision is designed to distribute the "burden" of jury service and to enhance the representative quality of juries. Moreover, since jury service involves direct participation in the democratic process, as many citizens as possible ought to have the chance to serve.

Subsection (f) provides for the emergency needs of those courts in which there is an unanticipated shortage of petit jurors. In such a case the court may require the marshal to summon additional jurors selected at random from the prescribed lists in a manner consistent with the basic objectives of the bill.

Subsection (g) contains a criminal penalty provision imposing sanctions upon those who, without good cause, fail to appear when summoned for jury service.

The new section 1867 establishes the procedure for challenging compliance with the act in the selection of both grand and petit juries. The Attorney General and the defendant in criminal cases, and both parties in civil cases, are allowed to challenge the selection procedures. But the provisions of the bill are designed to reduce the possibility that such challenges will be used for dilatory purposes.

First, the bill sets time limitations upon the availability of challenges. Subsections (a), (b), and (c) specify that challenges must be offered before the voir dire begins. And if the challenging party discovered, or in the exercise of diligence could have discovered, the grounds for the challenge earlier, the challenging motion must be made within 7 days of that earlier date. For example, the statute requires that, where possible, the challenge to the grand jury be offered before empaneling of the grand jury. And with respect to grand or petit juries, a challenging party would be required to examine the list of prospective jurors if the district court plan provides for early publication of the names. Failure to make the challenge at the earliest possible time is fatal under the proposed law.

Second, other features of the bill will combine to reduce the dilatory potential of challenges by allowing for rapid disposition of such spurious claims as are raised. The specific and comprehensive nature of the provisions of the act and the local plan will assure that there are readily available standards against which the selection procedures may be measured. Thus, procedural regularity is the measure of the validity of the selection system. It is an appropriate measure since the bill sets up a largely mechanical process in which the role of human discretion is minimized. The bill does not guarantee that each venire or each jury will mirror the structure of the community. It guarantees only that appropriate selection procedures have been used. Moreover, challenges will lie only for substantial failure to comply with the statutory provisions. There is room for a doctrine of harmless error. For example, if the local plan should call for 2,000 names to be placed initially in the master wheel and only 1,990 names were used, the reviewing court could find such a departure harmless. The combination of specificity and the substantial failure to comply feature will mean that judges will have readily available standards against which they can measure the procedures actually used.[35]

Third, there is a provision that a challenge must disclose prejudice to the moving party arising from the alleged procedural deviation.

The final basic safeguard against the dilatory use of challenges is contained in section 1867(d). It requires that the challenge motion be accompanied by a sworn statement of facts which, if true, demonstrate a substantial failure to comply with the statutory guide. This threshold requirement to a successful challenge will make it possible for the judge to review a challenge motion and swiftly dispose of it if it fails, on its face, to state a case for which a remedy could be granted.

In addition to these features of the bill, your committee anticipates that since the local plan for selection will be a matter of public record, the secrecy that often presently surrounds selection procedures will be eliminated, thereby reducing the tendency to make challenges merely to find out what kind of a selection procedure has been used. And finally, since each plan is approved by appellate judges, it will be relatively easy for district judges to dispose of frivolous claims.

In aid of a motion challenging the selection procedure, subsection (d) of new section 1867 entitles the challenging party to present the testimony of the commissioner or clerk if these officials are available. Likewise, the challenging party may obtain relevant official records and papers which are not public or otherwise available.

Subsection (e) makes clear that the procedures prescribed in this section are the exclusive means for challenging compliance with the statute. Challenge procedures existing under other laws are left intact for purposes of asserting rights created by other laws and for enforcing constitutional rights, but such other procedures may not be used to challenge compliance with this statute. Your committee feels constrained to recognize that these alternatives for raising rights created by other statutes and for raising constitutional challenges are not affected by the Act. This recognition is particularly apt in light of recent Supreme Court decisions indicating that the manner in which constitutional rights may be raised cannot be narrowly prescribed. See, *e.g.*, *Henry* v. *Mississippi*, 379 U.S. 443, 447 (1965); *Douglas* v. *Alabama*, 380 U.S. 415, 422 (1965). Subsection (f) defines limitations on the public disclosure of otherwise confidential documents that the section makes available to challenging parties.

The new section 1868 provides for the preservation and disclosure of jury selection records for at least four years after the master jury wheel is emptied and refilled and persons selected from that wheel have completed service.

The new section 1869 defines a variety of critical terms. Notably, subsection (c) includes within the definition of "voter registration lists" the list of eligible voters maintained by Federal examiners pursuant to the Voting Rights Act of 1965. The definitions of the terms "voter registration lists" and "lists of actual voters" in subsections (c) and (d) are restricted to apply to either the most recent State or the most recent Federal general election. Your committee intends that a general election be understood as one in which statewide voting takes place, even if the candidates do not represent all parts of the State. Thus, for example, regular elections for Members of the House of Representatives are "general" elections within the meaning of this bill. Accordingly, while the two subsections permit the plan to choose between State and Federal lists, they also insure that the list used will in any event not be more than 2 years old. In subsection (e) the definition of "division" has been expanded in the amended version of the bill in order to allow the adoption of separate plans for geographical areas smaller than a statutory division or, where the judicial district is not divided, smaller than the district itself, in those instances where the district court sits in more than one place in the division or district. Subsection (f), defining "district court of the United States" makes the bill applicable to Guam, the Virgin Islands, and the Canal Zone. Subsection (g) defines "jury wheel" so as to permit the use of computers in lieu of master and qualified jury wheels. Under subsection (h), questions may be asked on the qualification form that would elicit answers useful under the local plan, though not required by the bill, provided that they are not inconsistent with the provisions of the bill. Subsection (i) narrowly defines the term "public officer" so as to include only those persons whose government service is such that an interruption for jury service does not seem to be in furtherance of the public interest.

Section 102 of the bill increases juror fees and allowances. Subsection (a) would raise grand and petit juror fees from $10 to $20 for each day of service, and raise the limit on the per diem for service in excess of 30 days in one case from $14 to $25. The subsistence allowance is raised from $10 to $16 per day. The subsection also adds an allowance for tolls to the present travel allowance of 10 cents per mile. Finally, the subsection makes clear that grand and petit jurors in Guam and the Canal Zone shall receive the same fees and allowances as is provided for jurors in other district courts of the United States.

Subsection (b) raises witness fees from $4 to $20 for each day's attendance and raises the travel allowance from 8 cents to 10 cents per mile. The subsistence allowance for witnesses who are not Government employees is raised from $8 to $16 per day. The subsection also makes clear that witnesses in the Canal Zone, Guam, and the Virgin Islands are to be accorded the same fees and allowances as are provided for witnesses in other district courts of the United States.

The subcommittee hearings established a record of unanimous support for increases

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[35] Meeting the possibility of dilatory claims by creating a system conducive to rapid disposition of such claims, S. 989 is adopting the principle which lies behind the doctrine of res judicata. In the res judicata situation, when counsel raises a claim that has already been adjudicated, the courts are able to prevent delay by having a means of rapid disposition of the claim—citing the previous decision as res judicata. In the jury challenge system under S. 989, when counsel spuriously raises a challenge to the jury selection system, ready standards and a "substantial compliance" requirement provide a rapid disposition procedure serving the same function as citing the previous decision in the res judicata doctrine. Thus, when it is impossible to prevent claims which may be dilatory (as in the res judicata situation) or when it is undesirable to prevent claims which may sometimes be dilatory (as in the jury selection challenge situation), the reduction of the delay potential by providing for rapid disposition of the claims is the solution common to S. 989 and the doctrine of res judicata.

that would make jury and witness service less burdensome. To the extent that the burden is diminished, hardship excuses may decline with consequent enhancement of representative participation on juries. The testimony of William Walsh, chairman-elect of the American Bar Association's Section of Criminal Law, is illustrative:

"It should not be a matter of financial sacrifice for a man to serve as a juror. Otherwise qualified jurors, whose salary would be affected by jury service, try to take advantage of other grounds for excuse from jury service when their real reason for requesting relief is economic hardship." [36]

Section 103 amends and repeals a variety of provisions in the United States Code and the codes of the District of Columbia and the Canal Zone in accord with the provisions of the bill. Notably, the property qualification for jurors in condemnation cases in the District of Columbia is repealed. The only difference of opinion within the Judicial Conference Committee was occasioned by this change. Judge Alexander Holtzoff registered a lone dissent on the issue.

Section 104 states the effective date of the bill—two hundred and seventy days after the date of enactment. It also contains a savings provision for cases in which an indictment has been returned or a petit jury empaneled prior to the effective date.

[36] See hearings, "Federal on Jury Selection," at p. 106.

JOSEPH J. WOJCIK

The bill (H.R. 9574) for the relief of Joseph J. Wojcik was considered, ordered to a third reading, read the third time, and passed.

ROGUE RIVER BASIN PROJECT

The Senate proceeded to consider the bill (S. 51) to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes which has been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 15, after "SEC. 3.", strike out "The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Merlin division shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213)." and insert "The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife benefits in connection with the Merlin division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213)."; and on page 3, at the beginning of line 13, strike out "$16,515,000" and insert "$16,660,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of providing irrigation water for approximately nine thousand three hundred acres, flood control, area redevelopment, and providing recreation benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon. The principal works of the division shall consist of Sexton Dam and Reservoir, diversion and distribution facilities, and drainage facilities.

SEC. 2. Irrigation repayment contracts shall provide with respect to any contract unit, for repayment of the irrigation construction costs assigned for repayment to the irrigators over a period of not more than fifty years, exclusive of any development period authorized by law. Construction costs allocated to irrigation beyond the ability of irrigators to repay shall be charged to and returned to the reclamation fund in accordance with the provisions of section 2 of the Act of June 14, 1966 (80 Stat. 200), as amended by section 6 of the Act of September 7, 1966 (80 Stat. 707).

SEC. 3. The provision of lands, facilities, and project modifications which furnish outdoor recreation and fish and wildlife benefits in connection with the Merlin division shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 4. Before the works are transferred to an irrigation water user's organization for care, operation, and maintenance, the organization shall have agreed to operate them in such fashion, satisfactory to the Secretary, as to achieve the benefits to recreation on which the allocations of costs therfor are predicated, and to operate them in accordance with regulations prescribed by the Secretary of the Army to achieve the benefits to flood control on which the allocation of costs therefor is predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with the requirements to achieve such benefits.

SEC. 5. There is hereby authorized to be appropriated for construction of the works herein authorized the sum of $16,660,000 (October 1964 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in the costs of construction as indicated by engineering costs indexes applicable to the type of construction involved therein. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of said works.

The amendents were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. GRUENING. Mr. President, this year the Senate has again proved, under the leadership of the distinguished Senator from Alabama [Mr. HILL] and the distinguished Senator from Oregon [Mr. MORSE], that it intends to help provide the best education possible for young Americans.

Since the passage of the landmark Elementary and Secondary Education Act of 1965, the Subcommittee on Education of the Committee on Labor and Public Welfare has worked to refine the basic legislation, has added new programs to meet new needs, and in the best example of responsible legislative oversight, has done its best to make sure that the programs authorized by the law function efficiently and compassionately.

A number of provisions in the bill, H.R. 7819, as reported by the committee are of special interest and importance to Alaska.

For example, under title VI, which provides Federal assistance to educate the handicapped, an amendment I introduced and which the committee incorporated into the bill, would provide a minimum annual allotment of $100,000 annually to each State to support educational efforts for the handicapped.

The apportionment formula for section 503 of title V, which provides grants to the States to strengthen their educational agencies, would be changed so that more funds would be apportioned to the smaller, less populated States, which up to now have received a smaller share of funds than their need warrants.

Under title I of the Elementary and Secondary Education Act, H.R. 7819, as reported by the Committee on Labor and Public Welfare, would provide incentive grants to States whose educational efforts exceed the national average. Alaska ranks second in the Nation in terms of the percent of income spent on public school education. Should there be an appropriation for the full authorization of this section, Alaska would receive an incentive grant of $560,000.

The committee wisely has further expanded the disaster provisions of Public Law 89-313 to provide protection to schools in communities which may in the future suffer pinpoint disasters such as fire, flood, hurricane, earthquake, storm, or other catastrophe. The loan program would be invoked upon the certification of the Governor of the State that the so-called pinpoint disaster had occurred and that loan assistance is needed in addition to the available State and local funds, to meet the emergency.

If we approve H.R. 7819, we will authorize over the coming 4 years an additional $13 billion-plus for education. These programs will greatly strengthen America. As I have often expressed my view: Education and democracy are one and inseparable.

Our future lies in the young and the future of the young depends on how well they are educated today to meet the challenges of modern society.

We will explore many new worlds in the years ahead. Some of those worlds exist here on earth. If we are to do the job properly, we must make sure our educational tools are the finest available.

Thomas Jefferson wrote:

> If the condition of man is to be progressively ameliorated, as we fondly hope and believe, education is to be the chief instrument in effecting it.

AMENDMENT NO. 492

Mr. THURMOND. Mr. President, I call up my amendment No. 492.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 54, beginning with line 23, strike out all through line 17 on page 83 and insert in lieu thereof the following:

"SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966; $175,000,000 for the fiscal year ending June 30, 1967; $500,000,000 for the fiscal year ending June 30, 1968; $525,000,000 for the fiscal year ending June 30, 1969; $550,000,000 for the fiscal year ending June 30, 1970; and $575,000,000 for the fiscal year ending June 30, 1971.

"APPORTIONMENT AMONG STATES

"SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall apportion the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal years ending June 30, 1968, and June 30, 1969, he shall apportion from such amount to (A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 301(b), the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

"(A) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for the period for which that amount is available shall be available for reapportionment from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

"USES OF FEDERAL FUNDS

"SEC. 303. Grants under this title may be used for—

"(a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot project designed to test the effectiveness of plans so developed; and

"(b) the establishment, maintenance, operation, and expansion of programs, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—

"(1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(4)) in the schools of the State;

"(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;

"(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

"(8) other specially designed educational programs which meet the purposes of this title.

"STATE PLANS

"SEC. 304. (a) Any State which desires to receive grants under this title shall submit to the Commissioner, through its State educational agency a State plan which—

"(1) sets forth a program under which funds paid to the State from its allotment under section 302 will be expended solely for purposes described in section 303: *Provided*, That for the first fiscal year for which the plan is in effect it must provide that no local educational agency will receive less than the amount it could reasonably anticipate receiving had the Elementary and Secondary Education Amendments of 1967 not been enacted, as determined by the State educational agency after consultation with the Commissioner;

"(2) provides that the activities and services assisted under this title will be administered by or under the supervision of the applicant;

"(3) provides assurances that, in the case of programs for carrying out the purposes described in paragraph (b) of section 303, (A) the program will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served, and (B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the supplementary educational activities and services provided under the program are to meet, provision has been made for participation of such children;

"(4) sets forth criteria for achieving an equitable distribution of assistance under this title within the State which shall provide for consideration of (A) the size and population of the State, (B) the geographic distribution of the population within the State, (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in paragraph (b) of section 303, and their financial ability to provide those services and activities, and (D) the relative ability of particular local educational agencies within the State to provide those services and activities, and which shall also provide for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that no assistance will be provided under this title for the construction of necessary facilities until the State educational agency has received satisfactory assurances that (A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities, (B) that upon completion of the construction title to the facilities will be in a State or local educational agency, (C) that, in developing plans for such facilities, due consideration will be given to excellence of architecture and de-

sign, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and (D) that the requirements of section 308 will be complied with;

"(6) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in paragraphs (a) and (b) of section 303, and in no case supplant such funds;

"(7) provides that assistance will be provided under this title to a local education agency for a program of supplementary educational services only if the State educational agency has received satisfactory assurances that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. For the purposes of this paragraph, the term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources;

"(8) provides assurance that every applicant whose application is denied will be given an opportunity for a hearing before the State educational agency;

"(9) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

"(10) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

"PAYMENTS TO STATES

"SEC. 305. (a) From the amounts allotted to each State under section 302 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"RECOVERY OF PAYMENTS

"SEC. 306. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"LABOR STANDARDS

"SEC. 307. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"ADMINISTRATION OF STATE PLANS

"SEC. 308. (a) The Commissioner shall not finally disapprove any plan submitted under section 304, or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a program under a plan approved under this title, finds—

"(1) that the plan has been so changed that it no longer complies with the provisions of section 304(a), or

"(2) that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State educational agency that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 309. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 304(a) or with his final action under section 308(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

EFFECTIVE DATE

SEC. 132. The amendment made by section 131 shall become effective June 30, 1968, except that with respect to any State the amendment shall become effective when it submits a State plan, as provided in such amendment, for the fiscal year ending June 30, 1968.

Mr. THURMOND. Mr. President, the junior Senator from South Carolina [Mr. HOLLINGS] desires to be a cosponsor of this amendment. I ask unanimous consent that his name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. MANSFIELD. Mr. President, is there a time limitation on the pending amendment?

The PRESIDING OFFICER. There is a time limitation of 1 hour on the amendment, one-half hour to be controlled by the senior Senator from South Carolina [Mr. THURMOND] and one-half hour to be controlled by the senior Senator from Oregon [Mr. MORSE].

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote—and it will be a yea-and-nay vote—take place at 11:10 a.m. on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. That is agreeable to me, with that understanding.

Mr. MANSFIELD. Yes. I ask that all time be used up today in one form or another, that there be a time period from 11 a.m. until 11:10 a.m. on Monday next, the time to be equally divided between the senior Senator from South Carolina [Mr. THURMOND] and the senior Senator from Oregon [Mr. MORSE], the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon it stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senator from Indiana [Mr. HARTKE] and other Senators may be granted 12 minutes to discuss the social security conference report, and that that time not be charged against the time of the distinguished Senator from South Carolina on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I will be pleased to yield to the Senator from Oklahoma [Mr. HARRIS] so that he in turn may carry on such colloquy as he desires, with the understanding that the time shall not come out of my time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1967—CONFERENCE REPORT

Mr. HARTKE. Mr. President, I wish to speak briefly with respect to the confer-

ence report on the Social Security Amendments of 1967.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. HARTKE. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, undoubtedly, this conference report is absolutely unsatisfactory as far as a majority of the people are concerned, although it is true there are some increases in social security benefits.

This bill basically is in two sections, one section dealing with social security benefits, and the other section dealing with welfare provisions.

If one examines the conference report it will be found that in each case, instead of extending the benefits, it has imposed severe restrictions for most of the unfortunate people in America.

Here we are trying to alleviate some of the difficulties of those who are less fortunate in this world, but the net effect of this conference report is to put into law items which have been rejected since 1930, creating a situation in the field of welfare where no longer are we helping those people who are unable to take care of themselves in an effort to eliminate the poor.

There are some increases in benefits but even in those instances the language is so worded and restrictive that the net effect is to increase benefits on social security, but taking them with the other hand out of welfare benefits. The benefits to those people are none whatsoever. The only thing the bill will do will be to make it necessary to increase real estate taxes in practically every State in the Union, and that is nothing to recommend it for passage.

We are trying to alert the Nation to the fact that this bill is absolutely one which should not at this moment be passed.

Mr. METCALF. Mr. President, will the Senator yield for 2 minutes?

Mr. HARTKE. I yield to the Senator from Montana for 2 minutes.

Mr. METCALF. Mr. President, it is very difficult to discuss the results of the conference today because all we have before us is a conference committee print entitled "Brief Description of Senate Amendments." This print was used by the conferees as a guide to assist them in their deliberations. Some of the description of the Senate amendments is completely misleading and some of it is absolutely untruthful. This morning a briefing was given to some of the staff people explaining some of the action taken by the conferees on the Senate amendments.

The bill provides for a 13-percent increase in social security benefits with a minimum primary insurance amount of $55. This is just one section of the bill that is completely unsatisfactory.

As far as that section is concerned, the Senator from Indiana wanted to make that amount $100 and permit it to increase substantially more. We voted on 20 percent and then 17½ percent in committee. Finally, we came down to approval of a 15-percent increase and a minimum of $70. That is the administration position.

If one goes through this bill he will find, as the Senator from Indiana pointed out, there are some minor increases, such as that, but many are a complete loss. For instance, there is the public assistance pass-along. The Senate committee amendment would have required the States, effective July 1, 1968, to adjust standards of need and maximum payment provisions to guarantee that recipients of old-age assistance, aid to the blind, and aid to the disabled would receive, on the average, an increase in total income equal to $7.50 a month. In 1965, we passed a similar provision, but the amount was $5 a month, and it was permissive rather than mandatory upon the States to apply that provision. The conferees have not only changed this year's Senate version, making the $7.50 increase in total income discretionary with the States, but have also said that as much of the 1965 increase of $5 as is presently in effect in the States must be subtracted from the $7.50 increase this year. The net effect of this is that the conferees are making an additional $2.50 available to recipients this year. There are numerous amendments such as that.

As the Senator from Indiana pointed out, we are returning to a philosophy that was abandoned in the thirties. We are returning to a philosophy we have repudiated for more than 30 years in the welfare program.

This is simply a notice that when we get the language of the amendments and analyze the conference report, we are going to go through and discuss this matter in greater detail. However, based on what little has been made available to us now, it is already clear that this is a most unsatisfactory solution to our welfare and social security problems, and it is a mere pittance that has been offered, and there is no adequate reason for us to adopt the conference report.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. HARTKE. I yield two minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, like the preceding two speakers, I serve as a member of the Committee on Finance, which reported what I thought, on the whole, was a landmark bill in the change of philosophy from the hopelessness of poverty to widened opportunity for self-sufficiency.

However, I am very much disturbed and depressed by the result of the conference between the House and the Senate on this bill. My depression is caused particularly by the actions of the conferees in receding from the Senate amendments, both those adopted in committee and those agreed to on the floor, having to do with welfare.

I have studied the results of the conference action, and I will have more to say on this in greater detail during the coming week. Suffice it to say now that primarily what the conference has done has been to eliminate or reduce the added incentives and opportunities for work and training which the Senate provided and yet retain all of the harsh, compulsory features which the House bill provided. I think the harsh effects of this bill outweigh its good effects.

I think the Senate should seriously consider putting off this bill, if we cannot get the House to agree to an additional conference at this session, until immediately after the first of the year. We can still, with rapid action after the first of the year, enact a bill in time to pay the increased social security benefits which are provided in the bill within the effective dates provided by the bill.

Mr. HARTKE. Mr. President, I now yield 2 minutes to the Senator from Minnesota.

Mr. MONDALE. Mr. President, when the Senate adopted the social security measure the other day, I joined many other Senators in the belief that we were heading toward a path of enlightenment and understanding, although the bill was not all we wanted it to be. Yet Congress was beginning to show greater understanding for the needs not only of those on social security but also the millions throughout the land who are on welfare and must depend upon us for hope and opportunity.

The conference report, as it comes back from the conference committee, is almost entirely the House bill. It is shorn of virtually every improved amendment which was added by the Senate. I think it is one of the most backward, repressive, medieval pieces of legislation we have seen in a long time. About the only thing it overlooks is revival of debtors' prisons.

As much as I think we must immediately improve benefits to socal security recipients, I think even there, the compromise in social security benefits was unfortunate. If the issue here were a question of Senate prestige, I would favor acceding. But, this is a very bad piece of legislation. It is bad news for social security recipients. It is bad news for those who believe in the hope and opportunity for the poor and the dispossessed of this country. It is bad news for the local communities throughout the country which, if they are committed enough to a sense of humanity, will have to increase their local real estate tax burden substantially.

And it is disastrous to the core cities throughout this country, already overburdened and overwhelmed by the enormous problems exploding in their faces every day.

Mr. President, as much as I hate to say so, I think the only responsible thing for the Senate to do is to reject the conference report.

Mr. HARTKE. Mr. President, now I yield 2 minutes to the Senator from New York [Mr. KENNEDY].

Mr. KENNEDY of New York. Mr. President, I join my colleagues in expressing the gravest reservations about the conference report on the social security bill. It seems to me, in studying the report, that no bill at all would be preferable to this legislation.

The social security benefits will be a sham for thousands of Americans because the increase will simply result in a corresponding reduction in their old-age payments. And, because the benefits are

cut $2.2 billion from the level in the Senate bill without any decrease in payroll taxes, the bill has been turned into a back-door tax measure which will burden millions of American wage earners without providing benefits to their elderly fellow citizens in return.

The welfare provisions of the bill constitute a long step backward. Within the total discretion of the State welfare agency, mothers with preschool children and children in school can be forced to work if the State decides that despite these children, it would be more appropriate for the mother to work. If that is not a step backward to the 19th, 18th, and 17th centuries, I do not know what is. More families than ever will be torn apart by these welfare provisions. Young fathers who have never been able to find work for any period of time will be denied welfare for their families even in States that have the program for children of unemployed fathers. More fathers than ever may leave home in order that their families may obtain welfare aid.

And worst of all, the bill freezes the amount of Federal aid for children on welfare. The philosophy of this bill seems to be to punish people because they are poor. This bill seems to say to the poor person that we in the Government simply do not care what happens to him if he is unable to support himself. The philosophy of the bill is to say to a child who enters the world as the offspring of poor parents and happens to be excluded by the freeze that we do not care what happens to him, that he can starve insofar as the U.S. Government or Congress is concerned—that we will treat him as though he does not exist.

Mr. President, this is one of the most regressive pieces of legislation ever to emerge from a House-Senate conference. It is a disgrace to all Americans, and an affront to the elderly and the poor. I urge that the conference report be rejected when it comes before the Senate next week, and I urge all States to examine the bill most carefully to see what the implications are for them and for the people of the country.

The PRESIDING OFFICER. All time has now expired.

Mr. MORSE. Mr. President, I ask unanimous consent for an additional 10 minutes to discuss this matter.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] has the floor. Will he agree to that?

Mr. THURMOND. Mr. President, I discussed this with the Senator from Oklahoma [Mr. HARRIS] at some length and we agreed on 12 minutes. We have been in session all day working on the education bill, and we want to get back to it.

Mr. MORSE. Mr. President, I shall not press my request. I shall discuss this shocking, antidecency bill on my own time. We might as well forget about education if we are going to pass this kind of Social Security bill. However, I shall discuss it later on my own time.

Mr. THURMOND. Mr. President, I am glad to agree to additional time. I ask unanimous consent that 8 additional minutes may be allowed the Senator from Oregon. However, I believe that the Senator from Oklahoma [Mr. HARRIS] was keeping the time and that sufficient time would be permitted to the Senator from Massachusetts [Mr. KENNEDY] to be included in the previous 12 minutes. The Senator from Massachusetts came to me about getting some time. I am glad to yield 8 additional minutes, if that is so desired. That will make 20 minutes altogether.

Mr. HARRIS. Mr. President, the distinguished Senator from South Carolina has been extremely generous. In fact, he has been overly generous with his time. That would certainly be agreeable to me.

Mr. HARTKE. There is no question about it.

Mr. MORSE. I shall need only 2 minutes now. I can use the rest of my time to talk about education later on this afternoon.

Mr. THURMOND. Mr. President, I should like it to be thoroughly understood that the Senator from Massachusetts [Mr. KENNEDY] will get some of that time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina for 8 additional minutes? The Chair hears none, and it is so ordered.

Who yields time?

Mr. HARRIS. Mr. President, I yield 2 minutes to the Senator from Oregon.

Mr. MORSE. I thank the Senator from Oklahoma.

Mr. President, I want to say that the flag of the Great Society has just been lowered to half-mast. The Great Society program is on its death bed now, where it has been during most of this session of Congress. I would say it will not even meet a natural death because it is being murdered by legislation such as this.

I associate myself with every word the Senator from New York [Mr. KENNEDY] said when he talked about what we will be doing to the mothers under the conference report. In many parts of the country where the pre-New Deal philosophy still prevails, the sins of the mothers will be visited, apparently upon the children.

We could have a reactionary regime in a local community which would offer these mothers 25 cents an hour to clean out public toilets and if they were not willing to do that then they would be denied any welfare funds.

Look at what we are doing to the aged, by denying them the benefits they should have.

The Senator from New York [Mr. KENNEDY] and I have pending before the Senate our bill in which we recognize that the time is long past due when the minimum payment for social security should be $100 per month for our old people.

Mr. President, the conference report is a disgrace. If we are going to murder the Great Society program, we should do it painlessly and not have our old people and dependent children suffering the pain of the killing.

Mr. HARTKE. Mr. President, I want to make just one more brief statement. I hope the administration will look over the conference report carefully. I hope they will come forward with suggestions as to how to rectify some of the difficulties and suggest that the original bill which they recommended to Congress be given at least a token effort.

I yield back the remainder of my time and thank the Senator from South Carolina for being so gracious.

Mr. METCALF. Mr. President, will the Senator yield me half a minute before he yields back the time?

Mr. HARTKE. I yield.

Mr. METCALF. I, too, am grateful to the Senator from South Carolina.

Mr. President, there is a 13-percent increase in the conference bill. The Senate provision called for 15 percent. The House had called for 12½ percent. So it was made 13 percent. An increase was made in the minimum payments up to $55. Those increases, too, are inadequate. The amount is only a pittance in comparison with what really should be done for these people.

In addition to that, as has been repeatedly pointed out, the philosophy of the bill is a return to pre-New Deal days—in fact, it is a return to pre-Revolutionary days.

I hope everyone who is interested in and concerned over the welfare of the boys and girls and mothers of America will think about what has happened to the amendment offered by the Senator from New York. Everyone interested in the welfare of the poor people of of America should analyze these amendments.

As I have stated previously, the action taken by the conferees on the Senate amendments was summarized for some of our staff at a meeting today. None of us, as yet, have seen the actual language of the conference report. When I have seen the language of the report, I hope to be able to make a more thorough analysis. I served notice that, as soon as I am able to analyze the language of the conference sections, I am going to point out how detrimental, unfair, unjust, and inequitable a piece of legislation it is.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. KENNEDY of New York. Under the legislation, a mother of a child of 6 months, 1 year, 2 years, 3 years, or 4 years can be made to leave the home and work somewhere, in some area, for perhaps 25 or 30 cents an hour, going into a courthouse and cleaning the latrine there, or doing any kind of labor.

Mr. METCALF. Or sweeping garbage on the street; and only if the child is ill or incapacitated will the mother be permitted to stay home.

Mr. KENNEDY of New York. The ones who will suffer the most under this legislation will be the mothers and the children.

Mr. MONDALE. Mr. President, with reference to the most important Harris amendment, which related to added incentive payments under the work and training program, was that amendment retained in the conference report?

Mr. HARTKE. No.

Mr. KENNEDY of New York. No.

Mr. MONDALE. So there are many States in which the mothers and fathers will be required to stay apart, and the

father will have to sneak in at night and be dishonest, if his children are to have clothing and food.

Mr. KENNEDY of New York. If the father stays at home and his children are legitimate, there are not going to be any payments under this bill in 28 States, and in the other 22 States the chance that he can get help is severely restricted by this bill.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providig programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] has the floor. How much time does he yield himself?

Mr. THURMOND. Mr. President, I yield myself 30 minutes.

The amendment which is now proposed to the Senate, designated as No. 492, is one which has been suggested by the Council of Chief State School Officers in the United States.

I have a letter from the Chief State School Officers which I shall place in the RECORD at the conclusion of my remarks, and also several other letters on this subject.

This amendment is designed to provide that 100 percent of the funds for the title III supplemental centers will go directly to the individual State departments of education. The State departments of education will then use them according to their own plans and according to the needs of the State as determined locally. This is the same provision contained in the bill as it was adopted by the House of Representatives. To my way of thinking, it makes no sense to provide funds under title V of the pending bill to strengthen State departments of education, and then in this title attempt to bypass the State agencies and deny them their normal functions.

There is no question in my mind that the decision for the application of title III funds can best be made at a level other than Washington. The very nature of the projects themselves suggests that only the State and local officials are competent to decide how to best improve the caliber of education by the use of supplemental services called for in title III. This position is supported in testimony received by the Subcommittee on Education of the Committee on Labor and Public Welfare from those who are in a position to know.

The three top professional education associations testified in favor of State administration of title III funds. These three organizations are the Council of Chief State School Officers, the National Education Association, and the National Association of State Boards of Education. These are the three organizations in the United States that are generally acknowledged as working more closely with the elementary and secondary schools than any other organizations.

I wish to read part of the testimony of Dr. Edgar Fuller, secretary of the Council of Chief State School Officers, as found on page 1107 of the committee hearings, part 3. He said:

The current law sets up a direct federal-local track of administration in which it is possible to involve no more than a single local public school agency in each Title III regional center, leaving a system of such centers legally uncoordinated with a parallel state-local system of regional service centers. All appropriate federal services to local schools, we believe, should be supplied through state departments of education, or possibly from Title IV ESEA centers for research and research dissemination, unless the Title III supplementary centers can be coordinated fully with state services to local schools in the manner that HR 7819 makes practicable.

We need not depend entirely on administrative theory and general policies to support our views, because there has also been some direct experience with informally arranged extra-legal state plans for administration of Title III. After all, approximately a dozen states voluntarily coordinated their local projects more or less on a statewide basis during the first two years of Title III operation, and the Office of Education agreed to respect and follow their decisions. These states have received high praise on this plan of operation from the U.S. Office of Education, which in a Memorandum of November 9, 1966 made the following evaluation and recommended increased state involvement in Title III.

"II. STATE LEADERSHIP

"An analysis of the first year of operation of PACE (Title III) reveals some very important facts. States in which the departments of education have taken the responsibility to organize for and give direction to Title III at the State level have submitted projects which (1) are of higher quality, (2) more exemplary and innovative in content and service, (3) significantly relate the State's assessment of educational needs of problems at the local level to solutions in the national, State, and local interest, and (4) have apparently made full and wise use of funds available to that State."

Mr. Chairman, resistance of the controlling federal authorities to legally authorized Title III state plans for all states clearly indicates their desire for federal control of a system of regional and local supplementary centers parallel to those of the states. They refuse to implement in all states what the Office of Education proclaims as the most successful pattern for a dozen states. For them that claim that the other departments of education are not competent to administer Title III affairs is no less than a libel on a majority of the state agencies, many of which are as strong and competent as some of the favored few.

The testimony of the National Education Association before the Education Subcommittee specifically endorses the House passed version of title III. In his testimony before the subcommittee at page 1371 of part 4 of the hearings, John M. Lumley, the director of the Division of Federal Relations of the National Education Association said:

In relation to Title III of ESEA, we believe that the House amendment placing control of this program in the state education agencies is essential and strongly urge that the Senate concur with the House on this matter.

We have reviewed the arguments advanced by the distinguished Secretary of HEW for continuing federal control of Title III. But we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under Title III should be funded than are the specialists of state education departments.

The decision as to which applications for Title III funds are approved is a totally subjective decision, regardless of whether it is made at the local, state or federal level. We honestly believe that state officials can look beyond the glossy facade of a proposal and judge its merits and appropriateness for the applicant district better than can the federal readers or those in the federal office who rely on their advice.

In her testimony before the subcommittee, Mrs. Bernice S. Frieder, president of the National Association of State Boards of Education, said that this organization "holds the view that Federal funds for public education should be channeled through State departments of education, and has affirmed this viewpoint by formal resolution. Therefore, we would urge your consideration of a change in the law to provide that title III funds be administered by State departments of education. They have demonstrated that they can do the job." The National Association of State Boards of Education wholeheartedly supports the principle of State administration of title III.

Mr. President, I am offering this amendment to restore the title III language of the House-passed version of H.R. 7819, with only one exception. The Senate authorization figures, rather than those contained in the House version, are in my amendment.

The purpose of title III dictates the need for State and local control of the administration of this title. I wish to call to the attention of my colleagues the purpose of title III grants as explained on page 35 of the document entitled "A Compendium of Federal Education Laws":

Title III funds are made available—

For making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

On page 36 of the same document, under the heading "Uses of Federal Funds," is found the following:

Sec. 303. Grants under this title may be used, in accordance with applications approved under section 304(b), for—

(a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot projects designed to test the effectiveness of plans so developed; and

(b) the establishment, maintenance, and operation of programs, including the lease or construction of necessary facilities and the

acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—

(1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

(2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

(3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(4)) in the schools of the State;

(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;

(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

(7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

(8) other specially designed educational programs which meet the purposes of this title.

Mr. President, the "Uses of Federal Funds," which I have read point out the uniquely local nature of the projects which can be funded under title III. If we are going to have effective programs at the elementary and secondary levels, there is one thing that is needed, and that is coordination. The State level of government is best able to judge the the kind of educational programs needed and is best able to coordinate these programs within the State. We must never reach the point where local and State education budgets will be prepared, without regard to the needs which exist, but with regard to what the Office of Education in Washington thinks needs to be done in order to qualify for Federal funds. I believe the nature of the projects to be funded under title III dictates the need for State administration of this program within the confines of the State plan.

Mr. President, there have been a number of statements made in opposition to direct grants to State departments of education. Arguments offered by the Commissioner of Education can be found on page 19 of the committee report. I believe that these arguments should be scrutinized here on the Senate floor and their shallowness will become apparent.

The first point made by the Commissioner of Education is as follows:

Given the limited funds available for Title III and given the limited number of demonstrations which can be supported, a nationwide selection of projects based on independent judgment which seeks a common standard of excellence to meet the needs of the schools will do more to raise the quality of education than any other way of administering the program.

Mr. President, every one of my colleagues, I am sure, would agree that our goal is excellence in education; but to describe our goal in terms of a "common standard of excellence" is appalling. I shudder to think of "common standards" or "guidelines" on how to teach and what to teach emanating from Washington. To my way of thinking, the last thing we need in education is a set of common standards universally applied. The same standards do not have the same effect in an urban district that they would have in a rural district; nor do the same standards bring about the same result in a slow-learner's classroom and a classroom of accelerated pupils.

No common standard can be prescribed for all States that fits the educational needs of all, or of more than a few. State judgment of its own needs is much better in this area than Federal imposition of so-called uniform standards by the Office of Education.

The second point raised by the Commissioner of Education is:

Nationwide selection avoids unnecessary duplication and conserves both human and financial resources.

The plan proposed by the Education Subcommittee, and not the House passed plan, will create unlimited duplication. The committee plan would allow a local school district to go through the State education agency, or in effect circumvent it, and apply to the Commissioner of Education for title III funds.

Mr. President, the chaotic conditions which would be created by the subcommittee plan are described very succinctly in a letter I received from Dr. Edgar Fuller, the executive secretary of the Council of Chief School Officers in which he said:

ESEA Title III will be next to impossible to administer if enacted as proposed by the Senate Committee. Suitable statewide plans cannot be developed when two-thirds of the projects are federally selected and approved as to location and programs. Federally defined purposes can be met best through Title III supplementary services coordinated with services from state and local supplementary service centers existing or developing within regions of many states. A separate parallel system of federally financed and controlled centers would be wasteful and undesirable.

Mr. President, title III programs, which, of necessity, are local in nature, can best be administered through the State educational agency. The earliest possible change in this law will eliminate the proposed parallel system and prevent the wasting of funds so greatly needed by our schools.

The third objection raised by the Commissioner of Education is as follows:

Many State educational agencies are not yet prepared to take over the administration of Title III.

Mr. President, this is an absurd generality which does not indicate the whole truth of the matter. A recent survey conducted by the Council of Chief State School Officers indicates that 41 of the 42 State officers who responded favor State administration of title III.

It is not a question of willingness of the State agencies or of the ability of the State to administer this program, but a question of the commissioner's desire to control this program and issue "common standards" from Washington. The States would properly administer the title III program if they were given the authority, and my amendment would give them this authority.

Some would say that, by the argument that State agencies are not prepared, they mean that many State educational agencies do not have the talent or enough manpower within their organization to administer this program.

Neither did the Office of Education have the staff necessary to administer the title III program when it was originally enacted. In fact, section 306 of the Elementary and Secondary Education Act of 1965 provided that "The Commissioner shall establish the Office of Education and Advisory Committee on Supplementary Educational Centers and Services, consisting of the Commissioner, who shall be chairman, and eight members appointed, without regard to civil service laws by the Commissioner with the approval of the Secretary."

The Office of Education has experienced a phenomenal growth in recent years. In 1955 the Office of Education had 555 employees and it was spending $165.9 million annually. In 1965—10 years later—the Office of Education had 3,198 employees and it spent $3.3 billion.

I am confident that the State education agencies could properly administer this title if given the chance to do so.

Mr. President, the next two arguments are again only vague generalities. They are:

The proposed House amendments made no provisions for funding programs satisfying a uniquely national need—the educational needs of the big cities are a case in point.

Under a State plan system at the present time, there would be a tendency in many States to favor the needs of rural districts over those of the large metropolitan areas.

The answer to both of these statements is that the commissioner need not approve a State plan which would not provide for the urban needs in the particular State. I would suggest that the States under the watchful eye of the commissioner are not in a position to ignore the needs of the big cities, nor would they wish to do this. To my way of thinking these arguments by the commissioner are invalid.

The last argument has extreme overtones of more centralization of power. It is:

The Office of Education has the drawing power to attract some of the best talent in the country to help administer Title III.

Mr. President, if there is one thing we do not need, it is a mass exodus of edu-

cational experts from the States to the Office of Education. I suggest that not one of these six arguments offered by the commissioner of education is a valid reason for postponing the curtailment of Federal control of this program.

It is past time we quit giving lip service to State control of education and give the State agencies the authority needed to administer the essentially local programs called for in title III.

I would now like to read a supplemental statement by the Council of Chief State School Officers which was submitted to the Education Subcommittee at the request of the distinguished chairman, the senior Senator from Oregon [Mr. MORSE].

This statement should dispel any doubt any of my colleagues might still have about the need to provide for State administration of title III programs.

Mr. President, in summary, my amendment provides for State administration of title III rather than a federally controlled system which bypasses the State departments of education. The formula for the distribution of funds is the same as that approved by the Subcommittee on Education, and the authorization is identical. The amendment provides for a State plan which is to be approved by the commissioner. This amendment becomes effective on June 30, 1968, and is so worded that if a State wishes to send a plan during fiscal year 1968, it may do so. In other words the amendment is permissive in 1968 and mandatory in 1969.

I am convinced that this is a sound amendment. As I have stated, this is the manner in which this provision passed the House of Representatives, and this is the manner in which most of the chief State school officers throughout this Nation desire it to be.

These are the State superintendents of education throughout the United States. They have studied the amendments carefully. They have worked with the subcommittee. They have submitted a brief, and they have gone into this matter in great detail.

The chief school officers in the respective States of the Nation feel that this is the way it should be handled. They feel that we should have State administration of title III rather than Federal administration of title III.

Mr. President, I am confident that their position is sound. I am confident that the people of this Nation favor more State control of these Federal funds, and I am confident that if the Commissioner of Education is not satisfied with any plan, he will not approve such a plan.

The supplemental statement by the counsel of Chief State School Officers reads as follows:

SUPPLEMENTAL STATEMENT FOR THE RECORD OF THE SENATE HEARINGS ON S. 1125–H.R. 7819,[1] JULY 24–26, 1967

This statement has been prepared on behalf of the Council of Chief State School Officers at the suggestion of Chairman Wayne Morse of the Senate Subcommittee on Education during the July 26 hearing. It combines responses to his requests to provide answers to statements made by Secretary John W. Gardner and Commissioner Harold Howe before the Subcommittee on July 24–25 in the context of the so-called Miller Report, and to evaluate the portions of the Report dealing with federal-state differences about administration of Title III of the Elementary and Secondary Education Act of 1965.

THE MILLER REPORT

This Report is entitled *A Committee Print of Notes and Working Papers Concerning the Administration of Programs Authorized Under Title III of the Elementary and Secondary Education Act of 1965*. It was prepared for the Senate Subcommittee on Education under a project financed by the U.S. Office of Education. The Report deals with the beginnings of operations during the first year of Title III, "to analyze and appraise the proposals approved the first year; to look for 'gaps' between where selected areas seem to be going and where the approved projects are pointed; to study overall directions and developments of PACE; to view title III in the broader context of trends in American education; and to study interrelationships of PACE to the various ESEA titles and other programs."[2] The Report seems to reflect the educational strategy of the U.S. Office of Education and the Secretary of the Department of Health, Education, and Welfare, although not officially.

Section A covers the first six chapters of the Report. These 96 pages are an "overview" written by the director of this U.S. Office of Education project, Dr. Richard I. Miller of the University of Kentucky, who is personally responsible for its 25 recommendations. Section B contains 20 chapters dealing with special topics written by 20 carefully selected special consultants, with each consultant responsible for the content of his own chapter.

The Report is clearly and vigorously anti-state in its general tenor. Miller's recommendation 22, "Responsibility for direction and administration of Title III should remain in the OE", reflects this attitude and his principal concern in Section A. This also is the point most adamantly insisted upon in the testimony of Secretary Gardner and Commissioner Howe.

Dr. Norman D. Kurland, Director of the Center on Innovation in Education of the New York State Education Department, was the only consultant from a state department of education, and wrote the special chapter on "Roles of the State." His first recommendation for the states is, "Develop a State plan for the overall development and administration of Title III,"[3] but he refers to *recommendations* by the state and to *determinations* by the U.S. Office of Education, and not to a state plan in any legal sense. He asks why Title III should not be handled like ESEA Title I and Title II, where the states are authorized to make major decisions, His answer is that;

"There are States in which the State Agency is at present incapable of providing the kinds of leadership necessary to achieve the objectives of Title III. There are States in which large cities and minority groups would probably be treated unfairly were title III left solely in the hands of the States. Federal involvement thus acts as a counterweight to restrictive tendencies in some States. Only time will tell whether Federal influence can help raise the quality of education in those States. . . . Title III provides USOE with the opportunity to attend to the national needs in education. As long as this is tempered by State involvement in title III and by the preponderance of educational programming that is not dependent upon Federal funding, the specter of Federal domination of education need not be raised."[4]

This quotation states the theme both of the Report and of the Title III testimony of Secretary Gardner and Commissioner Howe in its strongest form. It exaggerates in failing to mention the power the Commissioner would have to disapprove Title III State plans under HR 7819, and in stating that such State plans would leave Title III *"solely* in the hands of the State." It is clearly a personal opinion because it is not in agreement with the position of the Board of Regents and the Commissioner of the State of New York, who favor a State plan for Title III with State authority to approve local projects. Their policy goes further toward the federal desires than most of the State agencies are willing to go by suggesting a temporary 15% "set aside" of federal funds for Office of Education approved projects ". . . to phase out present programs administered by that office."[5]

Unfortunately, with the State of New York able to implement a state plan on an extra-legal and advisory basis because of its size and influences, Kurland recommends that the federal government should set overall policies, provide the guidelines for local projects, and retain authority for their final approval in all states. This keeps the legal power entirely in federal hands. New York has found a way to live with this condition for the time being, but it remains a threat. Most states are less fortuntely situated and in a practical sense are more completely subject to Office of Education decisions. This condition violates sound policy in federal-state relationships in education because such discretionary federal power exercised or threatened on a direct federal-local basis is enough to insure federal interference and supervision of substantial aspects of education in local schools.

Federal purposes and plans for Title III call for the tough federal control strategy now evident. It is expressed in the Report as follows:

"Strategy is defined as a plan for achieving the priorities established for the program. *Every federally supported educational program should develop a national strategy.* The tax dollar is spent more wisely when resources are marshaled toward priorities that have gatekeeper status. Every federally sponsored program should force itself into the hard position of developing such a strategy. Title III has taken a leadership role in this development."[6] (italic is in original)

The federal effort under Title III is to keep all authority in the U.S. Office of Education and to accept only services from the states regarded as helpful and not a threat to federal legal control over the federal-local relationship. Commissioner Howe believes Title III *"is not* an attempt to undercut the general responsibility of the State educational agency for the State schools", but nevertheless *it is undercut*. We know of no one who makes the claims Commissioner Howe ascribes to opponents—that the present Title III will ". . . set up a system of federally run schools" or ". . . take over the responsibility for American education."[7] Title III under the pattern favored by the Secretary and the Commissioner will merely exercise "gatekeeper" controls over the local operators who run schools, using power to withhold federal funds and to approve alternative projects as vehicles for insuring that federal policies and program definitions must be followed in those schools. This

[1] Submitted by Edgar Fuller, Executive Secretary, Council of Chief State School Officers.

[2] Directors Introduction, p. XIII.

[3] Report, p. 171.

[4] Report, p. 166–7.

[5] "Federal Legislation: Principles and Suggestions for Change". Title III, State Administration, mimeo, p. 5. The State Education Department, Albany, N.Y. March, 1967.

[6] Report, p. 75.

[7] Statement of July 25, mimeo, p. 4.

would establish a federally controlled parallel system of local educational units, nominally operated by a local educational agency.

Readiness of the States to Administer State Plans for ESEA Title III

Commissioner Howe has asserted that ". . . many State educational agencies are simply not yet prepared to take over the administration of Title III." [8] Secretary Gardner has ". . . a serious question concerning the capacity of many of the states to assume responsibility for Title III at this time." [9] The Commissioner specifically supports these statements on the basis of the following quotation from the Report, but without reference to the last paragraph which gives some of the reasons for the situation:

"A questionnaire survey of personnel directing State title III programs discloses the following information about the position of title III coordinator, based upon returns from 47 States:

"(1) Ten States have full-time title coordinators; 37 do not. (See fig. No. 1 on p. 78 for a chronology of their appointments.)

"(2) Of the 37 States with part-time coordinators, eight give 50 percent of their time to PACE, and nine give 10 percent to it. (See fig. No. 2 following fig. No. 1.)

"(3) The large majority of title III coordinators (34) were recruited from within the State department, and particularly from the department of instruction, as compared to 14 from outside the State department. (See fig. No. 3 following fig. No. 2.)

"What generalizations can be made about title III State coordinators, considering the recognized diversity and variations in quality? Initially many States did not take PACE seriously because (a) funds were not allocated for its staffing and operation; (b) the program was essentially a Federal program and the States did not know their role in it; and (c) the open-ended nature of the title made for confusion as to where the title was going, if anywhere." [10]

During the months in 1965 covered by data in the Miller Report, the state educational agencies were completely engaged by the necessity of preparing for state approval of local projects under Title I, formulating state plans for Title II, furnishing assistance to local educational agencies in regard to these titles, compiling extensive baseline data for Title V which amounted to internal surveys of all the state departments of education, and seeking personnel for all these and other urgent functions that had to be performed immediately. First things had to come first, and the Office of Education was not ready for Title III programs. The states had no statutory role in Title III that required personnel, and Title III was emphasized in the U.S. Office of Education regional meetings as a matter not for immediate attention. In fact, the states were urged by the Office of Education to leave Title III for future action. There was also testimony from the panel representing the Council of Chief State School Officers on July 26, 1967 that the Title V Advisory Committee was told by Office of Education personnel that the state agencies should not use Title V funds for Title III purposes, but should use these funds for Title I, Title II and other purposes instead.

After a time, a few states began working on Title III on their own initiative, and for these the U.S. Office of Education approved Title V funds for Title III planning. Office of Education personnel also volunteered suggestions to a few other politically and educationally strategic states to develop such extra-legal state plans using Title V funds. It is important to know whether these state plans succeeded. According to the Office of Education, they excelled in every way, so the Office of Education has approved all or almost all of their recommendations.

The Council's testimony on July 26 included an official memorandum, dated November 9, 1966 and approved by Commissioner Howe, praising state leadership in Title III as follows:

"An analysis of the first year of operation of PACE (Title III) reveals some very important facts. States in which the departments of education have taken the responsibility to organize for and give direction to Title III at the State level have submitted projects which (1) are of higher quality, (2) more exemplary and innovative in content and service, (3) significantly relate the State's assessment of educational needs of problems at the local level to solutions in the national, State, and local interest, and (4) have apparently made full and wise use of funds available to that State." [11]

There are many state departments of education that are stronger and more competent to administer a Title III state plan than some of those thus favored by the Office of Education. The policy of the Office of Education is to retain tight federal control in all states, to "phase in" a few states from time to time on an extra-legal basis as they are brought into the federal fold, but finally to preserve federal control in all essential matters in all the states. It has insisted on this federal legal dominance, and has in some instances exercised it in overruling the state departments of education on Title III projects, even in the few states having extra-legal state plans.

Project Director Miller has not mentioned this obvious pattern of gradual and selective federal recruitment of states willing to develop State plans without State legal authority for project approval. He has expressed an opinion, however, that is anti-state and pro-federal in approach, as follows:

"A few States (California and New York, in particular) would do an admirable job if PACE was turned over to them, but the vast majority would fumble the ball in terms of professional leadership, political forces, and departmental pressures to swing title III aid toward title I type of aid or general aid. It may be that OE would want to turn over title III to two or three States on a pilot study basis, with the idea that the experiment would be carefully evaluated in 2 years to see whether it should be expanded, modified, or dropped." [12]

In our testimony of July 26 we dealt at length with the only statutory requirement of Title III in regard to State departments of education. This requires the local project applicant to send to the State agency, for review and recommendation, a copy of the project application it submits directly to Washington. The Office of Education has ignored or reversed hundreds of State recommendations, and any local project the Office of Education has for any reason at all considered highly desirable has been approved. The State agencies often have found this function an exercise in futility and embarrassing because of the exercise of federal authority at the local level contrary to State policies in education.

The Report makes it clear that Title III was intended by the unnamed and unpublicized Presidential Task Force that developed the Elementary and Secondary Education Act of 1965 to be a 100% federal program. Every effort has been and is being made to keep all final authority in federal hands. What Commissioner Howe testified Title III *is not* is in fact what it *is* and what it always has been, except for a few concessions that were forced upon its supporters as the legislation was enacted in 1965.

The Miller Report relates in some detail the background of the struggle to separate a federally controlled Title III from State education agencies. It makes clear how grudgingly any provisions for less than full federal control were incorporated in the final version. The Report's account of the "realpolitik" of ESEA and Title III clearly implies that any slight withdrawal from a completely federal Title III system was a serious mistake, justified only when necessary to save the legislation.[13]

COORDINATION WITH ESTABLISHED AND EMERGING INTERMEDIATE SERVICE UNITS

The Council's view is that Title II supplementary service centers, including their innovation aspects, should be coordinated with established and emerging State systems of intermediate supplementary centers. These were illustrated in the extensive explanations of such units in 11 states filed with the testimony of the Council's panel before the Senate Subcommittee on Education on July 26.

A separate federally financed and controlled system of Title III centers would be educationally and economically unjustified. As the eleven examples clearly indicate, there would be excessive overlapping and duplication between separate systems of State-local and Federal-local units. Their total contributions would be smaller in scope and less effective operating singly than they would be if operation were conducted from a coordinated center performing all the functions of both.

With the prohibition of commingling of federal and state funds and the continuation of original statutory purposes of Title III as found in HR 7819, the Title III programs can operate to benefit private school teachers and pupils and to carry out the other provisions and purposes of the law from coordinated centers as thoroughly and well as though they were operated in a separate federally controlled system.

FOLLOWING THE INTENTIONS OF CONGRESS

Commissioner Howe says that . . . "the way to bring about State administration of Title III is by phasing into it as States are ready—not by turning it over to States which would like the funds but are not ready to use them as Congress intends." [14] The "phasing" part of this is a method of moving from federal control in a few states with extra-legal acquiescence by the states to similar federal control in all the states. The question about the states following the intentions of Congress, however, raises the same question about the U.S. Office of Education. It is probable that the states would follow the intentions of Congress more closely under HR 7819 than they are being followed at the present time by the Office of Education.

The Title III statute provides for "supplementary educational centers and services". At the time the Report was written, the *Office of Education Manual* on Title III had administratively reversed the order in the law and changed it to "innovative and exemplary programs and educational service centers", dropping the idea of *supplementary* services. The Miller Report suggests changes further removed from the law by editorially renaming the "Educational Service Centers" of the *Manual* as "Centers for Educational Improvement". Dr. Miller also recommends authorization of federal Title III grants under $10,000 to be made directly to individual classroom teachers, confined to "in-

[8] Testimony of July 25, p. 7, mimeo.

[9] Testimony of July 24, mimeo, p. 4.

[10] Report, p. 77.

[11] The entire Memorandum has been filed for the record of the Senate hearings.

[12] Report, p. 80.

[13] Report, p. 15–24, which has some factual errors and omissions. Compare the Title III portion of a report to the Council of Chief State School Officers made on November 11, 1965, which has been made part of the record of the current hearings.

[14] Testimony of July 25, mimeo, p. 13.

novative and creative projects" and to be applied for on a special and simplified form.[15] This would take federal supervision into the local classroom, and it may not be coincidental that new staff in USOE regional offices have recently been given authority to approve projects not exceeding $10,000. The present haste to send hundreds of federal officials to regional Office of Education agencies seems to be a part of a federal educational network in the states.

These plans would continue federal legal power to reject local or state definitions of Title III project priorities, and would exclude supplementary services unless they were federally defined as primarily innovative and exemplary. They would eliminate in practice the statutory emphasis on supplementary services and provide federal bases for expansion into additional fields of local education.

CHARGES OF BIAS AGAINST STATE EDUCATIONAL AGENCIES

In his Senate testimony, Commissioner Howe stated that, "under a State plan system at the present time, I believe there would be a tendency in many States to favor the needs of rural districts over those of the large metropolitan areas."[16] He cites "in support of this assertion," examples from ESEA Titles I and II.

Commissioner Howe states that allocations to Los Angeles are 19.4% of Title I funds for the entire State of California, allocations to Chicago are 51.1% of total Title I funds allocated in the State of Illinois, and that allocations to New York City are 59.3% of Title I funds for the entire State of New York. The Commissioner compares these distributions with those under Title II State plans, which sent 10%, 34.3%, and 24.1% of Title II funds to Los Angeles, Chicago and New York City respectively.

This is an unfair charge made without sufficient evidence, even for the three selected cities. State administration of both Title I and Title II is according to the provisions of the law, and variations are inevitable under the widely differing formulas and purposes of Title I and Title II. The State departments of education exercise the legal authority to approve local projects under both these titles, and have joined most local, state and national lay and professional associations in *requesting similar* State approval authority under Title III.[17] The smaller percentages of federal funds distributed to these three cities about which the Commissioner complains were made under Title II state plans approved by him.

Checking out the Commissioner's contention in regard to Chicago and the State Department of Public Instruction in Illinois, the facts about Title II are found to be as follows. The formula in the law authorizes funds for each state according to its relative number of elementary and secondary pupils enrolled in the public and private schools of the state. The state plan then provides for distribution of these funds under a formula that applies to every local educational agency in the state. Allocations of federal funds under the state plan among the local educational agencies of Illinois range from $1.40 to $1.90 per pupil, with Chicago receiving $1.80. Only four local agencies receive more per pupil than Chicago. There is, of course, further distribution according to relative need among the attendance units within the several local school agencies.

The Illinois State Department explains that the federal formula for Title I is based on the number of disadvantaged pupils in families having low income, while the state plan formula for Title II is based primarily on relative pupil need for school library resources, textbooks, and other instructional materials among and within the local educational agencies. Both Title I and Title II are administered impartially according to the requirements of the law and regulations. The differing percentages derive from different conditions and formulas, not from discrimination. The Commissioner's percentages contrasting receipts under various programs mean nothing when taken out of the context of their different statutory purposes, formulas, and varying conditions among and within the many local educational agencies where the programs are in operation.

We cannot agree that the state educational agencies would discriminate against large metropolitan areas under Title III. Policies of the Council and of individual state departments strongly favor increased state and federal funds to large metropolitan areas. We feel certain that the U.S. Commissioner would not approve a discriminatory state plan. We believe that any such discrimination against cities would be educationally and politically unlikely if not impossible under H.R. 7819.

IMPLEMENTATION OF FEDERAL STRATEGY IN EDUCATION

It is clear that the U.S. Office of Education must cultivate the administrators and boards of local educational agencies, and especially the leaders of the great city school systems, in their plans to establish and maintain a federal-local system of grants to local educational agencies under Title III. Federal educational contacts in local school districts through regional and sub-regional federal offices are increasing rapidly. Groups of state and local categorical aid administrators become guests in Washington and elsewhere. Federally generated personal recognition tends to make local and state educators disciples for the spread of federal influence and supervision. Previous federal grants, per diems and publicity about innovators do little to inhibit favorable responses to federal questionnaires asking local project directors whether their work is successful and whether they would like to continue to receive federal funds for the projects they administer.

Office of Education appointments under its "independent educator" classifications tend to recruit known supporters of Office of Education views and aspirations. Few dissenters on major issues of policy or Office of Education practices ever become parties to the evaluating and decision-making processes it administers.

Chairman Wayne Morse asked specifically that we comment on Commissioner Howe's testimony before the Senate Subcommittee on July 25 concerning the replies of 723 local Title III project directors to a questionnaire from the Miller project. The Commissioner's statement on that occasion was as follows:

"It is also important to reiterate Secretary Gardner's remarks that 723 project directors answering the Miller questionnaire indicated satisfaction with the administrative guidance of Title III. Furthermore, present administrative procedures appear to be working very well. There is over 95 percent agreement between State educational agencies and the Office of Education on final proposal acceptance."[18]

The remarks of Secretary Gardner to which reference was made included the following:

"One recent survey indicates that of 723 local Title III project directors, 90% explicitly favor the program as it now operates. Evidently, then, opposition to Title III, as it is presently operated, does not stem from those who know it best at the grass roots."[19]

The information in the Report does not on its face support the Secretary's statement. The questionnaire itself and the 723 returns would have to be analyzed to determine this.[20] One would suppose that more than 90 percent of the successful applicants would be satisfied, but that very few of the unsuccessful applicants would feel likewise.

The claim of Commissioner Howe that "there is over 95 percent agreement between State educational officials and the Office of Education on final proposal acceptance" takes us back to federal strategy on approval of local projects. This claim is of doubtful validity, as we shall see, but federal reversal of 5% of the key state recommendations is probably enough to indicate federal control over Title III in all states as desired.

The following is an explanatory memorandum on USOE reports of agreement:

MEMORANDUM

"JULY 3, 1967.

"To: Edgar Fuller, Executive Secretary, Council of Chief State School Officers.

"From: Lee E. Wickline, Chief, Innovative Centers Branch.

"Subject: Report of Agreement of State Education Agencies with USOE on Approval of Title III ESEA Projects.

"This report has been prepared for your information.

"Of the 4,429 applications for grants under provisions of Title III, P.L. 89–10, 1,910 had been approved as of June 15, 1967. Twenty-seven of these recommended for approval by USOE were not recommended for approval by State Departments of Education. However, after discussing these projects with State Coordinators, agreement was reached on 18 leaving only 9 projects approved by OE without concurrence of the State Departments.

"In the same period, State Departments of Education had initially recommended for approval 849 projects which were disapproved by USOE. Within this group, State Departments concurred with USOE on 840 of these projects after consultation with State Coordinators, leaving 9 upon which States were not in agreement with a decision to disapprove the applications.

"It should be noted that some State Departments recommend all projects applications for approval when applications are submitted."

The 849 projects rejected by the State educational agencies were reduced to 840 by Office of Education negotiations that were in fact meaningless. The euphemism used by the Office of Education in its reports to explain the concurrence of Title III State coordinators on "final proposed acceptance", as used by the Commissioner, is "through further clarifications, agreement was reached". The fact is that the State coordinators were in no position to prevail and actually had no choice but to agree. It is clear that the Office of Education exercises authority to stipulate that projects rejected by a State must nevertheless be included in its state regional plan even though it is one favored with informal arrangements. The Office of Education reports are misleading and indicate much more Federal-State agreement on the Office of Education approval of plans than really exists. Some states see no need to use staff time and make such hard choices among local school districts at all, when they know

[15] Report, Section on "Supplementary Centers Versus Individual Projects", p. 82 et seq.

[16] Testimony of July 25, mimeo, p. 9.

[17] Including the American Association of School Administrators, Council of Chief State School Officers, National Association of State Boards of Education, National Congress of Parents and Teachers, National Education Association, National School Boards Association, in their joint request to the White House and the Office of Education on January 18, 1967.

[18] Comment at the hearing on July 25.

[19] Testimony of July 24, mimeo, p. 3.

[20] We recommend reading the material about the questionnaire on pages 53–71 of the Report, in order to form a personal opinion on this point.

the Office of Education alone will make the decisions anyway.

FEDERAL AND STATE EDUCATIONAL PERSONNEL

Commissioner Howe says that not all the states" . . . have developed the capability for determining which projects shall be funded in a way to guarantee the levels of quality this program should demand." [21] The answer is that most states have not sought to do so, because they have not been asked to make decisions that really decide. If the States had the responsibility they would exercise it, and we believe better than does the Office of Education.

The Commissioner's position is that approvals of local projects can be made more effectively by the U.S. Office of Education than by each State educational agency. The stable of selected "independent experts and scholars" used on Office of Education panels to make recommendations on projects are usually strangers to the environments from which the projects have come. They work in a project selection process administered by the Office of Education staff. Whether expressed or implied, the staff's recommendations count heavily. These busy consultants who are specialists in their own fields cannot be expected to understand and evaluate the projects independently and carefully in terms of need for them in their own environments. An innovation in one place may already be outmoded in another; a local judgment of program priority that has been most successful and is still a priority for expansion after a trial run in a district can be ruled out in favor of sloganized guesses about what can be approved as an innovation. As Superintendent Minear said in his testimony of July 26, occasionally another chief state school officer is on one of these panels judging what a project should be in Oregon, and the Oregon superintendent is on a panel to approve a project in some distant state, but never in his own.

The U.S. Office of Education employs a considerable number of brilliant and wise educators. It also employs many paraprofessionals and novices in education, some of whom are in important positions. Services to state and local educational agencies have been deemphasized greatly and the current emphasis is on administration and control of grants. Employees of state departments of education are more informed about education in their states, are more often better prepared and experienced in education, and are at least equally competent. They are close enough to the people to be unable to perpetuate their mistakes. They will consider innovations proposed from the federal level on a service basis, whether federally financed or not. They desire to meet federally defined objectives without federal control of the details of local policy and administration.

Even assuming that the Office of Education has all the wisdom the Commissioner claims, it would still be undesirable to have this federal agency make final judgments on Title III local projects. Federal mistakes are too often irreversible, and Federally enforced uniformity attained through slogans and money and discretionary authority is too often a misfit at the local level, however wise the federal personnel may be.

Mr. President, from any standpoint this matter is considered, we feel confident that this is a sound amendment. It is hoped that my colleagues will study it carefully, and that when we vote on this matter Monday morning, they will reach the conclusion that we do desire and need, that is, State administration of title III, rather than Federal administration of it.

[21] Testimony of July 25, mimeo, p. 8.

Mr. President, I withhold the remainder of my time.

Mr. JAVITS. Mr. President, if there is time remaining that the Senator from Oregon will not use, I would appreciate using a little of it for some purposes which I have in mind in connection with the bill. This seems to be a fairly quiet hour. I am sure that I could get unanimous consent, if the Senator does not wish to use all his time. I need not more than 15 minutes.

Mr. MORSE. Let me tell the Senator from New York the position in which the manager of the bill finds himself.

An arrangement has been entered into between the Senator from South Carolina and the majority leader, to which I agreed when it was presented to me, that the Senator from South Carolina would speak for not more than 30 minutes tonight in support of his amendment; that I would speak not more than 30 minutes tonight in opposition to his amendment; and that would leave 10 minutes on Monday—I should like the Parliamentarian to check me on this—5 minutes for the Senator from South Carolina and 5 minutes for the Senator from Oregon, and that we would vote at 11:10 a.m. on Monday.

The Senator from South Carolina has used his time. I, in fairness to the committee—the Senator from New York is the ranking minority member—must make the case against the amendment of the Senator from South Carolina tonight, because there can be no discussion on it Monday, except for the 5 minutes on each side.

I want the Senator from New York to know that I had not planned to use all my 30 minutes. I should like him to take some time, as the ranking minority member of the committee, to express his views in opposition to the amendment of the Senator from South Carolina.

I want the Senator from New York to know that he will have plenty of time after that to talk about any other matter he wishes to discuss, for I can assure him that the Senate will not adjourn until he finishes. If he would like to ask that this matter be laid aside temporarily while he takes his 15 minutes now, I believe the Senator from South Carolina will agree with me. My suggestion is that he permit me to make my case against the amendment of the Senator from South Carolina and that then the Senator from New York speak.

Mr. JAVITS. Mr. President, I have another complication, which is not mine, but of which I have been apprised. The Senator from Wisconsin [Mr. PROXMIRE] is standing in line to bring up a conference report on a bill which I was very much against.

As the Senator from Oregon is the manager of the bill on the floor, I will yield the floor and follow whatever he would like to do.

Mr. MORSE. I thank the Senator.

Mr. President, I have just explained to the Senate the parliamentary situation that confronts us with regard to the amendment of the Senator from South Carolina. When that agreement became known, we assured quick sales of airplane tickets for Senators involving themselves in other commitments, because the Senate of the United States is not a nonreading society. Because of the knowledge that the pros and cons of the amendment would be made tonight, for reading purposes between now and Monday morning, we are confronted with vacant seats.

It is perfectly all right with me, because I am willing to speak for the RECORD. I do not know what the situation of the Senator from Wisconsin is with respect to a conference report. He can take care of himself. However, I will take a few minutes to respond to my good friend, the Senator from South Carolina, in opposition to his amendment, so that the committee's point of view will be before the Senate when the time for voting arrives on Monday at 11:10.

Mr. President, the Senator from South Carolina, in his presentation in support of his amendment, adverted to the testimony of a number of educational organizations in support of the State grant-State plan program for title III. However, he did not point out to the Senate that at the time the testimony of each of those witnesses was given, they were testifying in opposition to the administration's proposal on title III, the administration's recommendations in this area, which were to the effect that the present act be left unchanged with regard to the mode of its administration in respect to title III. That is not the title III that is before the Senate. The Senator from South Carolina has not been talking about the title III in regard to which the witnesses he quoted were testifying.

The title III in the bill that we brought to the floor of the Senate is a greatly changed title III, for reasons that I shall point out before I complete my argument. So I wish to say, respectfully, that it is presumptuous of the Senator from South Carolina to assume that all the witnesses he cites would be in opposition to the title III that is in the bill that my committee brought to the Senate—although, may I say, I believe some of them would. I believe some of them would be in opposition to the title III in the bill if $1 were retained by the Federal Governnment in connection with this program. That does not surprise me in regard to some of the witnesses, because the chief witness he cited this afternoon sent wires in 1958 to Members of the Senate in complete opposition to the National Defense Education Act.

In fact, some of these witnesses we have heard in the past just have been against any form of Federal aid. I simply dismiss such witnesses. In my judgment, they are completely out of tune with the needs of education in this country.

The NEA was in opposition to the administration position on title III and so was the senior Senator from Oregon; and I will explain again, as I did the other day, in the debate with regard to another matter, what happened in my subcommittee that produced the title III that is in the bill.

Dr. John M. Lumley, assistant executive director of NEA, one of the most reliable witnesses we have had before our committee for many years—the com-

mittee has worked very closely with him—testified in opposition to a 100 percent Federal control of title III funds. However, he sent us a telegram yesterday which said:

> We share your view that it is imperative that the ESEA amendments of 1967 should be passed immediately. Assure enactment before the close of the first session of the 90th Congress. We applaud your great leadership and stand ready to assist in any way you desire.

I had a conference with Dr. Lumley the other day. I said, "I want you to know that the compromise we made in committee, I think, is a desirable compromise and that we should go to conference with it."

He made clear to me that he agreed that we should go to conference with this compromise, and I believe the record of testimony would be quite different if the compromise on title III had been in the original bill.

I quickly add however, that I am also sure that there are further changes in the Senate version of title III that the NEA would support. There are various areas such as those involving the percentages of the funds to be transferred in each year, and in the area of the mechanics of the State plan operation where there are some differences. But I stress that for the most part, such differences are those of degree and the rate at which the proposed changes are to take place.

On the other hand, I do not believe the chief lobbyist for the position of the Senator from South Carolina would have changed a word of his testimony. But, I believe he is so dead wrong on this matter, as he was on NDEA, that it would not change the position of the senior Senator from Oregon at all in urging the adoption of the compromise I am about to explain.

Mr. President, the Senate committee bill now before us took cognizance of the testimony we received. We have adopted a State grant-State plan format for title III, in what we believe to be a perfected form.

Therefore, I suggest in all fairness to my committee, in this respect, that we should not be subject to all the strictures that might be laid against the original administration position. That is really what, for the most part, the Senator from South Carolina has been talking about. He has been talking about the hearing record, and that was related to the administration position of no change in title III, and I have not brought the administration proposal to the Senate. I did not support the administration proposal on title III.

Rather, we brought a compromise title III program to the Senate. It is a program that at the end of 3 years will give us State direction of title III. We are going to need at least these 3 years to work out the transfer of program authority because as parts of the record the Senator from South Carolina did not quote, were parts of this record made by great educators of this country, and great administrators of education in this country in both rural and metropolitan districts. Some pointed out that if you give this type of carte blanche authority to some of the State departments of education in this country at this time you will be faced with educational regression in some areas, not with educational progression, because there are some State departments of education in this country which are not now prepared, not equipped, not fully qualified, and not adequately staffed to carry out the programs that are called for in title III of the bill.

We want to help them. That is what our committee wants to do. The best friends of these State agencies happen to be my committee and not some of the spokesmen for the groups the Senator quotes. Mr. President, the testimony reveals that some of the money could be wasted, and the testimony shows that some would adopt educational programs that could work to the great educational disadvantage of thousands and thousands of schoolchildren in the future. We have to build up those State departments of education and that is what we are seeking to do in part in the provisions we have brought here.

The Senator from South Carolina is offering an amendment saying he wants to turn title III over to the States. It is my aim also to give to the States the major responsibility for this program. I think the States should administer this program. The committee bill is designed to do just that at the end of 3 years.

We are not doing it all at once as the amendment offered by the Senator from South Carolina would. We are doing it in stages. As I have pointed out time and time again on this floor since we have been considering this bill, the committee bill is a bipartisan bill. There was not a dissenting voice when we reported the bill from committee. The committee title III amendment is a classic case in point of the kind of bipartisan efforts which characterize our committee. The Senator from New York [Mr. JAVITS], the Senator from Vermont [Mr. PROUTY], and the Senator from Texas [Mr. YARBOROUGH] contributed to this amendment.

The feature of this amendment which turns the operation of title III over to the States in stages was created by the Senator from New York [Mr. JAVITS]. It is unique. It is a fine example of his creative thinking. That feature alone is the basis upon which the minority and majority staff began to work in developing the title III compromise—a compromise between the present law and the House amendment.

I might say right here that I doubt we could have developed as viable a compromise if the Senator from New York had not started us off with this unique feature, the three stage shift to the States.

Our subcommittee was evenly divided on whether to retain present law.

Under the present law, 100 percent of the funds are administered by the Department of Health, Education, and Welfare. As chairman of the subcommittee, I cast the deciding vote because the committee ended up with a tie on a motion by one of the members of the committee to retain the 100-percent financing policy of the present administration. I voted against the administration's program. I was the only Democrat present who voted against it. That is nothing new for the senior Senator from Oregon. In my own honest judgment, when I think the Democrats are wrong, I vote against them. I wish I could find the Republicans to be right more often, but when I do I vote for them.

In this case I think the Republicans were right. Although they were Republicans as far as party affiliation was concerned, they were bipartisan insofar as educational responsibility was concerned. We did not accept the administration recommendation.

The Senator from South Carolina knows that we are going into conference and we need something to work with in conference.

Another member of the committee, this time one on the Republican side, moved to adopt the House proposal, the proposal of the Senator from South Carolina this afternoon. We defeated it in committee. The Senator from Oregon then offered the compromise.

What is the compromise? The compromise is that next year 33⅓ percent of the money be turned over to the State departments of education, the second year 50 percent will be turned over to the State departments of education, and the third year 66⅔ percent will be turned over to the State departments of education for funding certain services and educational programs of an innovative type.

I say to the Senate tonight that many of us believe this is as fast as some of the State departments of education can absorb the money and not waste it. That is as fast as the States can absorb the money while building up their State departments of education, to efficiently administer the Federal money.

Mr. President, I do not intend to sit here as the chairman of the Subcommittee on Education to vote taxpayers' money carelessly into State departments of education. When educational expert after educational expert has testified before us and said what I have said in the beginning of my address this afternoon, that some of them were not ready for it. Superintendents of the big city school and superintendents of some of the rural schools testified that in some States there is not an understanding yet on the part of some State departments of education as to what needs to be done in order to have a wise expenditure of funds.

Therefore, I offered my substitute. Mr. President, do you know what happened to it? It was unanimously voted for by every Democrat and every Republican on the committee. They recognized it was a fair and sensible adjustment of the differences within the committee and that it represented the kind of amendment we should try to have in the bill to take to the House.

Everybody here in the Senate who has ever been a conferee, and we all have been, knows what you do when there are differences between the Senate and the House. You work out the best compromise you can obtain. What would the Senator from South Carolina have us do?

Surrender and take nothing to conference, except the House provision. Let me say that the House has not had the benefit of the record of my committee. They made a record of their own.

But, Mr. President, the amendment I am offering is based upon this record—12 volumes of it, 3,000 pages of it, in the course of which, in extenso, there was a great deal of discussion in connection with title III of the bill.

Let me say to the Senate most respectfully that it should not let my committee down. It should not place this kind of handcuff on the committee. The Senate owes it to my committee, in view of the record—and there is no answer to the record—no discussion, really, pointed at the reasons why the amendment which I offered was unanimously adopted by the committee—and no record as to why we should not take that to conference, if we could work out a modification between my amendment and the House amendment.

What the Senator is overlooking is that my committee wants to work to the date when we can turn over the funds to the State departments of education, when we can be satisfied that on the record they are ready to spend the money efficiently and effectively.

That is the issue.

I am not going to let the Senate forget the point, when it comes to a vote on this matter come Monday next.

As I said the other day, there are some States not capable of carrying out the intent of Congress with regard to title III. I am not saying that is the case with all State departments of education. It is not true in the State department of education in my State. But I cannot vote for what I think is not a sound program in the national interest just because my State might be ready for another program and even though I am the chairman of this committee. My State can afford to wait for 3 years, even though, I think, if we gave them the full amount of the money now, they would do an efficient and effective job.

How impolitic it would be. How impossible it would be, just to pass an amendment on the basis of saying that States A, B, and C are ready and States X, Y, Z, and on are not ready. We have to have a uniform application there.

There is not a State department which is now ready to administer the program which is going to be injured in any way by my amendment. What are they going to do under the bill? They will submit a State plan. They have to submit a State plan. If the amendment of the Senator from South Carolina is adopted, they still have to submit a State plan. A good State department of education is going to submit a soundly conceived State plan and is not going to have any trouble getting it through. Others will, I am sure, achieve equivalent competence in time.

We certainly do not want to give the latter however full control over the distribution of the money and thus put them in the position where they say, "We have the money," so that we do not need to make improvements in our approach. Do not forget that we are trustees of the Federal taxpayers' money. We have a responsibility to fulfill.

As I pointed out the other day, each one of us has dual citizenship. We are citizens of our States and we are citizens of the Nation through the Federal Government. Our responsibilities on funds differ, depending on whether we are acting on the basis of our Federal responsibility. Title III funding is a Federal responsibility.

Mr. President, there are legitimate reasons which those who favor the present law have for not turning this program over to the States—and as I indicated a substantial part of our committee would prefer to stay with the present title III. As I said, there are some States that are not yet capable of carrying out the intent of Congress with regard to title III. I am not saying this is the case of all State departments of education. I am not saying this is the case with the majority of State departments of education. There are some fine State departments of education who could carry out the intent of Congress better than the Office of Education can.

I also pointed out the other day, when I was responding to questions of the Senator from Kansas [Mr. CARLSON] that we are not going to point fingers at particular States. We cannot do that. We must be practical. We cannot say to certain States, we want the State to run the program, and in other States, we will let the Federal Government run the program.

I would be the last to point my finger at any State. I do not think I am in a position where I should make a value judgment as to the quality of administration in the case of an individual State educational agency. But I do note that there is incontrovertible evidence that some States simply cannot carry out the intent of Congress. Our intent is to help American young people by giving them the best available educational opportunities. I want that intent carried out. I do not want a single boy or girl denied that opportunity because some agency cannot do the job.

The committee compromise is specifically designed to build a mechanism to carry out the intent of Congress. We can stand here and make speeches about what we want done, we can appropriate millions of dollars to do it, and we can tell the States what we would like to see done with the money; but, if we do not build an administrative mechanism capable of carrying out our intent, we will have acted in vain.

The administrative mechanism built into the committee compromise is the best we can do. We spent hours and hours on this mechanism. That mechanism has a single purpose—this is to hand the responsibility for this program over to the States in stages and, in doing so, give them the time to strengthen their capabilities for administering the Federal programs.

I want to point out that we have specifically authorized funds to be paid to the State educational agency to permit them to strengthen themselves. Sections 301(b), 303(b), and 307(b) provide for payments to the States for the administration of the State plans and to hire experts.

It is with this feature that the States can strengthen their capacity for the administration of Federal programs. Let me point out that the House passed bill—and the substantially identical amendment proposed by the Senator from South Carolina—contains no provision for making available funds for the State educational agency's administrative expenses in carrying out this responsibility which the Congress is giving them.

In 3 years I am positive that every State educational agency in the country could have the capacity to carry out the intent of Congress with regard to this program—and under the Senate committee's bill we could start this process promptly.

I would like to reiterate that I agree with the Senator that the Federal Government should stay out of the business of making educational policy. This should be done at the local level and the State level. That is the reason I am supporting this compromise. I see this compromise as a positive step on the part of Congress to insure continued local and State control of education.

Let me point out one other factor. Title III as it is in the reported bill is not the administration language. Testimony of the Commissioner and the Secretary was to the effect that there should be no changes in the present act. As I indicated earlier, this was persuasive testimony for many of my colleagues on the committee.

But I am a realist. With the House having taken the action that it has with respect to title III it is my judgment based upon parliamentary tactics that we would be in a stronger position to retain the essential innovative core programs of title III if we were to be in conference posture discussing issues uncomplicated by formal differences regarding administrative structure.

Let me illustrate. Had we brought this bill to the floor without an amendment to title III, the conference bill would have been, I am sure, some form of State grant-State plan program. Necessarily it would have been drafted in haste.

There is a strong possibility that under such pressures our work would have been lacking in many particulars. The House bill, for example, when it came over to us contained no language regarding the applications from the local educational agency for projects under the title. I believe it to be implicit but it certainly is not explicit. We have attempted to remedy this situation by making it perfectly clear that the underlying thrust of title III stems from the local educational agencies with their broadly representative community group involvements which are characteristic of the present program.

This is a strength for our schools and for our State educational agencies. Participation in planning programs which bring all viewpoints to bear insure widespread community acceptance. Sound programs of education can scarcely ignore the educational implication inherent in interracial cooperation, for example.

Mr. President, under our bill, do not forget that the programs have to originate at the local and State level, with

no Federal dictation. We reserve control over the funds so that we can be certain, over the 3-year period, that we help the State departments of education to get themselves ready to take over not only the funding but also the preservation and protection of the educational needs of the various areas in their State.

We should not forget that we have existing commitments for funding of title III programs previously planned which must be honored. So that in any event a full 100-percent State control over title III money would have to be delayed.

It was about those needs that the superintendents, particularly in the metropolitan areas, and some of the superintendents in the rural areas, expressed great concern—yes, fear—as to what would happen to the educational programs of the States if we adopted, for example, such an amendment as the Senator from South Carolina proposes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I rest my case.

I ask unanimous consent that at this point in my remarks as evidence of the care devoted to the consideration of the compromise title III language in the bill, their appears a positive purpose on State advisory councils under title III which we used as a working paper in markup. I believe it to be a valuable indication of the intent of the committee in adopting the final version of this portion of the title.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

POSITION PAPER ON STATE ADVISORY COUNCILS UNDER TITLE III

DUTIES OF STATE COUNCIL

Under the proposed amendment a State would create within its State educational agency a State advisory council whose functions would include—

(1) Advising the chief State school officer on the preparation of the State plan for administration of title III grant moneys transmitted to the State.

(2) Reviewing annually the State plan and upon the basis of the review recommending to the chief State school officer modifications or amendments to the State plan.

(3) Reviewing applications received and upon the basis of such review recommending to the chief State school officer the disposition to be made of the applications and maintaining records of applications received.

(4) Annually reviewing for the purposes of evaluation the approved plans and programs funded under the authority within the State, transmitting its report upon the evaluation of plans and programs to the chief State school officer and to the National Advisory Council, together with its recommendations, based upon its analysis of the operations of the program, for such changes as in its judgment it believes to be warranted in the basic statute, the State plan, and the State or the National procedures governing the title III area.

(5) Based upon its evaluation and review procedures, selecting among programs funded, those which, in its judgment, it believes to be of an exemplary character. Arranging through the chief State school officer for appropriate dissemination of such programs to bring them to the attention of local educational agencies within the State, and through the National Advisory Council, to the attention of local educational agencies throughout the United States.

ORGANIZATION OF STATE COUNCILS

The chief State school officer (unless otherwise determined by State law) would appoint to the council individuals who are broadly representative of the cultural and educational resources of the State and of the public interest in education for the purpose of obtaining from them advice and counsel upon the operation of the title III program within the State.

While no number is specified for the council's composition, as established within the State educational agency, it must contain persons representative of the elementary and secondary schools of the State, institutions of higher education within the State, professional organizations of teachers and school administrators within the State, and of organizations promoting the improvement of education within the State (such as AFL-CIO, PTA, League of Women Voters, etc.).

Additionally, each council must contain at least one individual representative of areas of professional competence in dealing with the educational needs of handicapped children.

Although the members of the council are to be representative of the cultural resources of the State, the proposed language provides that the appointing authority may, if it so chooses, appoint nonresidents of the State to the advisory council.

This provision could be particularly helpful to the chief State school officer of a sparsely settled or remote State to assure that he would have available advice of a professional nature, particularly for those projects or programs which are reserved under the proposed language for meeting the educational needs of handicapped children.

To assist the council in carrying out its responsibilities, a separate authority for funding of salaries and expenses of professional and clerical staff has been provided. The separate authorization for carrying out the detail of the council activity is parallel to the language with respect to the grant funds of title III which, in the House version, may not be comingled with State funds.

It is a method which could alleviate some of the difficulties that might be encountered in some States which may have limitations upon the uses for which State funds may be employed. Individuals recruited to perform the professional and clerical functions incident to the State advisory council operation are specifically exempted from Federal statutes relating to employment and compensation.

The State educational agency would establish for such employees such rates of compensation as it deemed appropriate.

APPLICATIONS PROCEDURE

Consistent with the philosophy embodied in title I of ESEA and under title III, the proposed language applications could be received only from a local educational agency or a group of such agencies.

An application although received from a local educational agency would, as at present, be planned, prepared and, if funded, carried out with the participation of persons broadly representative of the cultural and educational resources of the area to be served. The definition of the term "cultural and educational resources" is contained in section 304(a).

The application would be transmitted by the local educational agency to the State educational agency, The Chief State school officer upon receiving the application would direct it to the State advisory council and to such panels of experts in the particular area of the application as he designates for review. In coming to his decision upon the disposition to be made of the application, the chief State school officer would consider the recommendations from both (1) the State advisory council and (2) the panel of experts provided under section 304(b)(3).

The chief State school officer would not be bound to follow the recommendations provided to him if he deemed, after having considered the points raised, that the project, program, or center is consistent with the authority contained in title III and it is his judgment that the project is meritorious.

JUDICIAL REVIEW PROCEDURES

The proposed language, however, contains provisions (1) the usual language for obtaining judicial review of decisions made by the Commissioner and (2) added is language affording hearings and judicial review of the action of the State educational agency as invoked by the local educational agency. Such judicial review provisions cover (*a*) the Commissioner's approval of the State plan and modifications thereof and (*b*) the disposition by the State educational agency of applications.

Recommendations on applications from both the panel of experts and the State advisory council would be a part of the record which would be available to a court if the judicial review procedure were ever to be invoked. It is felt that this incorporates a protection into the State-plan, State-grant format. It is similar to the assurances given by matching grants that the Federal money will be used for the purposes for which it is intended. Extension of hearings and judicial review procedures to the local educational agency level, even if never called into operation, would require a prudent State educational agency to observe carefully the formal requirements in its State plan and in its procedures for processing applications.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina has time left on the amendment.

Mr. THURMOND. Mr. President, how much time have I?

The PRESIDING OFFICER. Five minutes.

Mr. THURMOND. As I understand, that is in addition to the 5 minutes that we will each have on Monday.

The PRESIDING OFFICER. That is correct.

Mr. RUSSELL. Mr. President, are we operating under a limitation of time?

The PRESIDING OFFICER. Just on the amendment of the Senator from South Carolina.

Mr. RUSSELL. I have two conference reports, one of which is of very great importance, relating to pay increases for people in the armed services, that I had hoped to be able to complete this afternoon, in order that it may go to the House of Representatives on Monday and go to the White House along with the civilian pay increase.

I wonder if the Senator from South Carolina would be willing to permit me to ask unanimous consent to have a few minutes. I do not think it will take more than 5 minutes to handle both of them.

Mr. THURMOND. Mr. President, I have 5 minutes left of my time, but I ask unanimous consent that the distinguished Senator from Georgia be allowed to present these reports, after which I may respond to the distinguished Senator from Oregon.

Mr. RUSSELL. And that it not be charged against the Senator's time.

Mr. THURMOND. And that it not be charged against my time.

Mr. JAVITS. Mr. President, I shall not object, but I wonder if the Senator from South Carolina will do the same for me. I will ask unanimous consent that following Senator RUSSELL's talk and following Senator THURMOND's talk I may have 5 minutes.

Mr. THURMOND. Mr. President, I have only 5 minutes. The reason I am yielding to the Senator from Georgia rather than to the Senator from New York is that the Senator from Georgia has official reports to present.

Mr. RUSSELL. This is a matter of the highest privilege under the rules of the Senate.

Mr. THURMOND. It was for that reason that I was yielding, and I would be glad to yield to the Senator from New York, but I have only 5 minutes.

INCREASE OF BASIC PAY FOR MEMBERS OF THE UNIFORMED SERVICES—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 1017)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14; and agree to the same.

Amendment No. 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

On page 2 of the Senate engrossed amendments, line 12, strike out "September 30" and insert the following "October 1"; and the Senate agree to the same.

Amendment No. 15: That the House recede from its disagreement to the amendment of the Senate No. 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following:

"SEC. 10. Chapter 7 of title 37, United States Code, is amended:

"(1) By inserting the following new section:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave

"'(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel from his place of medical treatment in the continental United States to a place selected by him and approved by the Secretary concerned, and return, when the Secretary concerned determines that the member is traveling in connection with authorized leave for convalescence from illness or injury incurred while the member was eligible for the receipt of hostile fire pay under section 310 of this title.

"'(b) The allowances prescribed under this section may not be at rates more than the rates authorized under section 404(d)(1) of this title. Authorized travel under this section is performed in a duty status.'

"(2) By inserting the following new item in the analysis:

"'411a. Travel and transportation allowances: travel performed in connection with convalescent leave'."

And the Senate agree to the same.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY M. JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

L. MENDEL RIVERS,
PHILIP J. PHILBIN,
F. E. HÉBERT,
MELVIN PRICE,
L. ARENDS,
ALVIN E. O'KONSKI,
W. BRAY,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, I may say that the Senate amended the House bill in some 15 respects. The House accepted all of those amendments save one, and that had to do with providing for men returing from Vietnam a trip to their home of record at Government expense.

The Senate eliminated this provision. We had a compromise in conference on this matter. Under the conference language, convalesent leave at Government expense would be authorized from the place of medical treatment in the continental United States to an approved place and return. The convalesence must have been in connection with an injury or illness which occurred while the member was eligible for hostile fire pay.

In effect, the compromise language provides that a man who was injured or who became ill while in Vietnam, and who was sent to a medical facility in the United States, could receive a free round-trip to his home at Government expense. This provision would no longer be applicable in the event hostile fire pay was terminated.

I hope the conference report will be agreed to.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. MORSE. The Senator from Georgia is to be highly complimented for handling the military pay bill. As he knows, I have always supported him with regard to a military pay bill. I do not think we are paying our military personnel enough, even under this bill, but it is a great improvement over the present pay. I will always be counted in support of paying our men in the military services what they ought to be receiving. That is why I would even vote for more. I think that is particularly true when we have a lot of men in service in a war in which we ought not to have been involved in the first place. We cannot pay them too much. Therefore, I am very glad to support the conference report.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. JAVITS. We had a very rapid vote when the bill was before the Senate—and we should have had, except some of us did not know full well in advance it was going to take place then. So I am glad to add this endorsement to the finality of action. I think action on increased pay for our military men is long overdue.

Mr. RUSSELL. I thank the Senator.

Mr. President, I move the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXTENSION OF CERTAIN NAVAL VESSEL LOANS—CONFERENCE REPORT

Mr. RUSSELL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. NO. 1016)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That, notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Argentina, three destroyers (Act of July 18, 1958 (72 Stat. 376)); (2) Brazil, two destroyers and two submarines (Act of July 18, 1958 (72 Stat. 376)); (3) Chile, two submarines and two destroyers (Act of July 18, 1958 (72 Stat. 376)); (4) Colombia, one destroyer (Act of July 18, 1958 (72 Stat. 376)); (5) Federal Republic of Germany, one destroyer (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (6) Greece, one submarine (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)), two destroyers (Act of October 4, 1961 (75 Stat. 815)); (7) Korea, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended), one destroyer and one destroyer escort (Act of October 4, 1961 (75 Stat. 815)); (8) Portugal, two destroyer escorts (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (9) Spain, two destroyers (Act of August 5, 1953 (67 Stat. 363), as amended by Act of August 3, 1956 (70 Stat. 967)); (10) Peru, one destroyer (Act of July 18, 1958 (72 Stat. 376)).

"SEC. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provisions of law, the President may lend two destroyers to the Government of Korea and one destroyer to the Republic of China, in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistics support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance, or as reimbursable, under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1969.

"SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Any agreement for a new loan or for the extension of a loan executed pursuant to this Act shall be subject to the condition that the agreement will be immediately terminated upon a finding made by the President that the country with which such agreement was made has seized any United States fishing vessel on account of its fishing activities in international waters, except that such condition shall not be applicable in any case governed by international agreement to which the United States is a party. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

"SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

"SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following: "An Act to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes."

And the Senate agree to the same.

RICHARD B. RUSSELL,
JOHN C. STENNIS,
STUART SYMINGTON,
HENRY JACKSON,
MARGARET CHASE SMITH,
STROM THURMOND,
Managers on the Part of the Senate.

L. MENDEL RIVERS,
F. EDWARD HÉBERT,
MELVIN PRICE,
O. C. FISHER,
LESLIE ARENDS,
ALVIN E. O'KONSKI,
BOB WILSON,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. RUSSELL. Mr. President, this was a unanimous report of the conferees, but I understand the Senator from Ohio [Mr. YOUNG] desires to be heard. I never like to take advantage of a Senator, so I am perfectly willing to have this conference report go over until Monday. I do not think it is comparable to the bill providing increased pay for members of the military services.

I assume, Mr. President, under the circumstances it would be appropriate for this conference report to go over until Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, in response to the distinguished Senator from Oregon, I want to say that the bill presently before the Senate is not the identical bill originally favored by the administration. It has not been my contention that it is. The statements I have quoted were made before the Education Subcommittee in favor of the House-passed version of title III. They are valid arguments in favor of State control of title III funds. These arguments are not diminished because of the committee compromise. The committee compromise is merely an attempt to postpone State control. It is an attempt to retain a degree of Federal control over title III funds.

No one can say that this is a southern amendment. No one can say that this is an amendment that is being offered to accomplish anything other than to do just what the State superintendents of education in this Nation favor doing.

I repeat that the Council of Chief State School Officers favors State control. They feel that the State departments of education in each State can better determine how they can coordinate their programs for these funds than can the administration in Washington.

These funds are for grants for supplementary educational centers and services such as adult education, vocational guidance, foreign languages, night classes, and radio and TV.

Does it not stand to reason that the State department of education in each State can best determine where these centers should be put? Why should the Secretary of Health, Education, and Welfare or the Commissioner of Education in Washington go to the State of Wyoming, South Carolina, Oregon, or any other State and make these determinations?

Why should not the local people in the States—through State departments of education—make these determinations? After all, these are the sort of matters that should be determined by the State and local officials, rather than officials in Washington.

There is no question as to how the National Education Association has stood. Some of those proposing Federal aid to education have boasted repeatedly about how the Council of Chiefs of State School Officers stood on this question. They were glad, then, to quote them. They have boasted about how the National Education Association has stood. But now, when the position of those associations is adverse, it seems they are not willing to give much credence to what they say.

The National Association of State Boards of Education is another important organization. These are the three big educational associations in the Nation. All three of them recommend that we provide State control of the funds under title III, and not Federal control. Listen again to what the National Education Association says:

> In relation to title III of ESEA, we believe that the House amendment placing control of this program in the State education agencies is essential, and strongly urge that the Senate concur with the House on this matter. We have reviewed the arguments advanced by the distinguished Secretary of Health, Education, and Wefare for continuing Federal control on title III, but we believe that it is erroneous to presume that the employees of the Office of Education, on the advice of individuals they have selected, are more competent to decide which projects under title III should be funded than are the specialists of State education departments.

Mr. President, it is perfectly clear. I think any fairminded person would reach the conclusion as to these funds that are going to the States for special purposes, as I mentioned, such as the centers for foreign languages and vocational guidance, night classes, and radio and TV that the people in the United States would know better how to coordinate such matters into an effective total program.

Under the Senate version, here is what could happen: Under the Senate plan, the State would have control of one-third of the funds, and they could set up their programs, and then have the Federal Government in control of the other two-thirds, and we could have a duplicate system or contradictory systems.

To me, the funds should be controlled by the State department of education in each State. It certainly makes more sense that one agency—and that should be the State department of education in each of the respective States—should control this matter, rather than letting the State control one-third of the funds and the National Government the other two-thirds.

The distinguished Senator feels the

States are not equipped to do it. Which States are not equipped to do it? He admits his own State of Oregon is equipped to do it, and says they will do it effectively and do it well. I am sure every Senator feels his own State would do the same thing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. Mr. President, I hope the Senate will give careful consideration to this matter, and that Senators will approve the amendment that has been offered to permit State control rather than Federal control.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. JAVITS. Mr. President, first a few brief remarks about the pending amendment. I should like to point out that there is a policy of gradualism involved in the Senate version, which I sponsored, and I shall vote to support it. There was conflicting testimony on this question before our committee. The cities, generally speaking, wanted 100 percent Federal control of title III, while the States, generally speaking, wanted 100 percent State control. Other witnesses, such as the Farmers Union and the National Catholic Welfare Conference, asked for percentages in between these two extremes.

The States won the battle in the House of Representatives, but here in the Senate committee we decided to adopt an approach which had, indeed, been suggested by the distinguished commissioner of education of the State of New York, Hon. James Allen. His words will be found at page 1520 of the hearing record. He said:

> Permit the States to assume direct administrative responsibility for, let us say, 75% to 85% of Title III funds under an approved State plan.

And so on. Then he added:

> Phase in the responsibility of the States for direct administration under an approved State plan.

In short, it was the phasing-in idea which appealed to us as being the most valuable and the most practical.

I point out also that among other provisions not in the House bill and the Thurmond amendment, our Senate provision has a 15-percent set-aside for the handicapped. I think that is an extremely valuable thing, and a matter on which the Senate should rightly be extremely solicitous. Other Senate provisions not in the amendment include funds to the States for title III administration, requirements for maintenance of effort, evaluation, and inclusion of reservation Indians not at BIA schools.

So, Mr. President, I think our committee provision is the more conservative view here in the Senate. I did not prevail in the committee, with the suggestions I had in mind. I sought to have adopted the greater percentages for State control sought by the commissioner of education of New York. The committee had contrary views on that score, and the matter was finally compromised. I believe the Senate version to be the more judicious one, in terms of approach, and I hope and, indeed, believe that the Senate view will prevail with respect to this amendment.

IMPACT OF PUBLIC HOUSING ON EDUCATION

Mr. President, if I may have the attention of the Senator from Oregon, I have a little amendment here which I think he will accept without any problem, which relates to a study called for by the bill on the impact of this particular statute on children living in public housing.

Section 111 of the bill provides that the study is to be produced by January 10. Obviously, the bill having been caught in the toils of the legislative process until this late date, that study could not be accomplished by the January due date. Therefore, the amendment seeks to substitute for January 10 the date May 15.

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and my amendment considered out of order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from New York [Mr. JAVITS] proposes the following amendment:

> On page 53, lines 11 and 12, delete "January 10, 1968" and substitute therefor "May 15, 1968".

Mr. JAVITS. Mr. President, section 111 of H.R. 7819 directs the Secretary of Health, Education, and Welfare to study the burden imposed on a local educational agency by the presence of low-rent public housing within the school district boundaries. We are amending this provision to stipulate that the study report must be submitted to the Congress by May 15, 1968.

As part 5 of the hearings reveals, the subcommittee received extensive testimony from representatives of school boards throughout the Nation favoring an amendment to the impacted school aid program which would provide an annual payment to eligible local school districts having public housing units. The Education Subcommittee postponed detailed consideration of this proposal and elected to retain in the bill the House-passed provision calling for a study. The May 15 reporting date will enable us to take action next year early in the session should we deem it advisable.

In most of the cities and communities where public housing projects are primarily concentrated, nearly all of the local tax revenue is derived from the property tax. The crux of the problem confronting local school boards is that public housing units do not pay any local taxes.

While the Federal public housing statute provides for a nominal payment to the community in which the public housing units are located, which is equivalent to 10 percent of the shelter rent, this small token payment is normally paid directly to the city government as general revenue without any stipulation that it be used for education. However, in most areas, local education is financed from a designated education tax and not from the general revenues for local government. Thus, the local costs of educating more than 1.5 million public housing children are for the most part borne by the rest of the property taxpayers in the community who pay the education tax levies.

Illustrative of the difficulty experienced is the case of New York City where the 10-percent payment in lieu of taxes in the amount of $3.6 million is paid directly into the general fund of the city of New York. No allocation of these funds is made directly to the education budget which must expend about $76.1 million in providing the instructional program for approximately 63,400 children residing in public housing projects. The cost of educating these public housing children in New York City is borne by their local property taxpaying neighbors.

The continued financial burden of bearing the total local cost of educating the concentrations of public housing children, many of whom require special educational services, is a major factor for the financial crisis which is rapidly developing in the central city school systems.

The reasons advanced by the school board proponents for computing the entitlement by public housing unit instead of by eligible child are several: First, this method is more convenient for measuring exact costs and for estimating future costs; and, second, it has been the experience—in New York City, Philadelphia, Chicago, and Detroit, for example—that some parents, especially among the poor, are reluctant to fill out the necessary forms which would qualify the local school district for Public Law 874 assistance and therefore the school district is unable to receive funds for children for which it is entitled. This method of computation would obviate this difficulty.

About one-fourth of the public housing units are located within the 14 largest cities. The remainder are located within the boundaries of smaller cities and rural communities.

The problem therefore, is by no means confined to the large cities of the country.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. Mr. President, as manager of the bill, I accept the amendment.

The Senator from New York has already stated the reason for the amendment. Let me restate it, as manager of the bill.

The bill, as originally drafted, provided for a report from the Department, on the low-rent public housing aspects of the bill, by January 10, 1968. Of course, that date was determined early this year. It is now December. We expected this bill to be through Congress months ago.

Obviously, the Department cannot get the report in by January 10, 1968; therefore, we have agreed in the committee to accept the date of May 15, 1968, as set forth in the Senator's amendment.

I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JAVITS. Now, Mr. President, I ask unanimous consent that consideration of the Thurmond amendment be resumed.

The PRESIDING OFFICER. It recurs automatically.

Mr. JAVITS. I thank the Chair. I just wanted to be sure the Senator was not prejudiced.

Mr. MORSE. Mr. President, will the Senator yield long enough for me to call up some technical, corrective amendments?

Mr. JAVITS. Surely.

Mr. MORSE. Mr. President, I ask uanimous consent that the pending amendment again be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I address myself to the acting majority leader.

I have a group of technical amendments here which I send to the desk. Members of the committee on both sides completely agree that these amendments should be agreed to. They do not go to substantive matters; they involve such things as inserting a comma after the word "opportunity," and so on—the typical technical amendments.

I send them to the desk, and ask for their immediate consideration.

The PRESIDING OFFICER. The amendments will be stated. The legislative clerk read as follows:

On page 61, line 11, insert a comma after "opportunities".

On page 65, line 18, strike out the semicolon and insert in lieu thereof ", and".

On page 114, line 8, strike out "813" and insert in lieu thereof "815".

On page 119, line 22, strike out "(a)".

On page 132, line 8, strike out "Section" and insert in lieu thereof "Sections".

Mr. MORSE. Mr. President, I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

Mr. MORSE. Mr. President, I send to the desk another technical amendment. I did not include it in the group which has just been considered and agreed to because this amendment calls for a paragraph explanation. I wanted to have it considered separately from the other technical amendments.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 50, line 8, strike out "such" and insert in lieu thereof "the preceding fiscal".

Mr. MORSE. Mr. President, the present language requires the grants to be made on the basis of data collected during the year of the grant. This is physically impossible because it will take 6 months to collect the data from the States and make the necessary computations.

The original proposal was by the Senator from Colorado [Mr. DOMINICK]. He has noticed the need for the technical change, and has given clearance and authorized me to request that this technical change be made.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

SCHOOL BUS SAFETY

Mr. JAVITS. Mr. President, on another aspect of the bill, I have great pride in calling to the attention of the Senate the fact that school bus safety is for the first time being considered in this bill.

Mr. President, school bus safety has become an increasingly pressing problem as some 17 million youngsters travel each day on more than 200,000 school buses. The number of school bus passengers has increased 40 percent between 1960 and 1965; the accident rate, however, has increased 75 percent.

School bus safety standards throughout the Nation are spotty, substandard, and lax. The president of the Physicians for Automotive Safety has said that in the area of school transportation, not a single State is doing all that safety authorities believe must be done to protect human life on the highway. He also observed that known safety measures that can be taken to safeguard young people in school vehicles are largely being ignored at the local level.

The American Academy of Pediatrics also is concerned and has called for strict standards of safety on school buses. I ask that an article from the July 2 New York Times detailing the academy's concern be included at this point in my remarks.

The PRESIDING OFFICER. Without objection, the article is ordered to be printed in the RECORD, as follows:

DOCTORS SEEKING SAFER SCHOOLBUS—PEDIATRICIANS CITE 75-PERCENT RISE IN INJURIES IN 5 YEARS

(By Donald Janson)

EVANSTON, ILL., July 1.—The American Academy of Pediatrics, citing a 75 per cent increase in injuries to school bus passengers in five years, called today for strict standards of safety on buses.

The biweekly academy newsletter published here urged that pediatricians become acquainted with school bus safety standards in their areas and seek to upgrade them where laxity prevails.

The academy called for installation of seat belts for all passengers, elimination of interior protrusions, provisions for at least four emergency exits in each bus and drills in their use and a ban on pupils standing while a bus is in motion.

It noted that 3,700 students were injured in school bus accidents in 1965, a 75 per cent increase over the total for 1960.

Dr. Seymour Charles, Newark pediatrician who is president of the two-year-old Physicians for Automotive Safety, said in a telephone interview that all the recent attention to automobile safety had neglected to consider school buses.

STANDARDS SOUGHT

"The Federal Government should promulgate standards," he said. "We hope to get the American Medical Association and parent-teacher associations involved, too."

At the A.M.A. convention in Atlantic City last week, his group, which has a membership of 400 doctors, called a news conference to report results of a state-by-state survey it had just completed.

"We feel it is imperative," the New Jersey pediatrician said, "that responsibilities at the state and local levels for the proper regulation and conduct of school transportation be met. Our work over the past few months shows clearly that apathy, ignorance and inaction prevail in this vital safety area."

Dr. Charles listed these "deeply disturbing" findings:

Thirty-five states have no maximum age limit for drivers, four permit an age of 70 and all others 65.

Only 18 states forbid pupils to stand in moving buses. Twelve allow unlimited standing.

Most states lack adequate education and training for bus drivers. Of nine permitting a minimum driver age of 16, only four require classroom instruction, though the National Education Association recommends 20 hours of such instruction plus refresher courses.

Dr. Charles called on the Federal Government to determine whether buses now in use have proper braking systems, whether color uniformity should be required for school buses nationally for greater safety and whether pay scales are adequate to attract qualified drivers.

OTHER QUESTIONS

He suggested that the Government might also ask:

Should qualified women be sought as drivers to provide a higher-caliber pool?

Should retread tires be prohibited? No state does so now.

Are all schools educating children properly in bus riding and street crossing procedures?

Should presence of an adult on buses be required so the driver is free to drive without also looking after the children?

Is the driver teaching by example with good driving techniques?

Is he required to use a seat belt so he can retain control of the bus in an accident?

Is the configuration of the driver area a hazard for pupils standing or seated near him?

Dr. Charles urged that school buses be redesigned to alter rails, struts, and other protrusions "that are death traps in a collision."

Research recently completed by the Institute of Transportation and Traffic Engineering at the University of California, Los Angeles, shows a need for more emergency exits, use of belts and safer design of frame, cab and seats.

But, the physician asserted, "our school systems are very slow to catch up with the painstaking research and study of vehicles and highway safety that continues across the land."

Mr. JAVITS. Mr. President, concern is indicated elsewhere, also. The National Safety Council has urged that some testing and research is desirable on school bus design and safety practices. And the Department of Health, Education, and Welfare indicated to me that demonstration projects and study are needed in this area which has long been neglected.

Mr. President, bearing upon the same issue, I ask unanimous consent that there be printed at this point in the RECORD an excerpt from a speech made by Dr. Samuel Halpern, the distinguished Deputy Assistant Secretary for Legislation of the Department of Health, Education, and Welfare, specifically urging that this kind of activity be undertaken.

The PRESIDING OFFICER. Without objection, the excerpt is ordered to be printed in the RECORD, as follows:

Not every industry endeavor has to harness the great technological and scientific breakthroughs of our time. Indeed, I suspect that some of the most useful—and profitable—contributions which industry might make will be in the mundane service areas of American education.

Purely as an example, we know that each day well over 17 million children are transported to school, either at public expense or through parental contributions. Yet, how

much attention has been given to the design of a truly *educational vehicle* for the movement of children to and from school? How much thought has been given to the utilization of the millions of hours per year that are spent by children on the road? How much study has been given to the problem of physical safety from the accidents which each year claim several thousand casualties among our children riding school buses? In short, what can be done to make the unglamorous and unheralded area of school transportation a safer, more meaningful, more effective, and more exciting part of the contemporary educational scene?

Mr. JAVITS. Mr. President, I also call attention to the attitude of the National Education Association through its National Commission on Safety Education, which, under date of December 6, 1967, advised me of the urgent need of this kind of work, including also the selection, instruction, and supervision of schoolbus drivers.

Mr. President, I ask unanimous consent that the letter to which I have referred, from Mr. Norman Key, executive secretary of that association, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL EDUCATION ASSOCIATION,
Washington, D.C., December 6, 1967.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR JAVITS: May we take this opportunity to give you our views regarding the proposed Title VI—Demonstration Projects and Study for School Bus Safety—of H.R. 7819. In our judgment, the study and demonstration projects called for in Title VI would mark an important milestone in a continuing endeavor to assure the highest possible degree of safety in the nation's school transportation service.

As you undoubtedly know, nearly 17,000,000 boys and girls reach school daily by riding in more than 200,000 school buses. The degree of safety achieved to date is largely due to the continuous concern on the part of school officials, transportation supervisors, and the drivers of school buses themselves. State education agencies and other branches of State government, too, play important roles in maintaining efficient pupil transportation programs. However, the laws and regulations on school bus transportation vary among the states, as do the procedures and practices in the daily operation of the buses. There is remarkable uniformity in the design and construction of school buses, achieved on a completely voluntary basis by State education agencies having worked in concert with industry engineers over more than 25 years. The enclosed *Minimum Standards for School Buses* resulted from the 1964 conference of educators and engineers. Recent information coming to our office indicates that, for some twenty selected items relating to bus construction (including braking systems, protection of the drive shaft, construction and location of fuel tank, lamps and signals) about 70% of the states have adopted the national recommendations. This, of course, leaves 30% of the states operating differently, in some cases with less safe provisions than are desirable.

In the matter of drivers—the people in whose hands rests the heavy responsibility for safely transporting so many children—many variations exist among the states in the qualifications required, as well as in the instruction provided. Here, too, the states have voluntarily developed guidelines to help them do a better job, as shown in the enclosed report entitled, *Selection, Instruction, and Supervision of School Bus Drivers.* But all of the states could profit greatly from the outcomes of the nationwide study proposed in Title VI, especially the demonstration projects that would be a part of the endeavor.

The impetus that would stem from the proposed study and investigation of standards for the safe operation of school buses would greatly advance the welfare of children in all the states. It is difficult to conceive of a better way to achieve needed improvement in this vital educational service than to authorize the Secretary of Health, Education, and Welfare to conduct such a study and investigation.

The states need the stimulation that would come from the leadership of the Secretary of Health, Education, and Welfare in this area of school bus transportation. His cooperation with the Secretary of Transportation would enhance many aspects of the proposed study, especially those having to do with performance standards for the vehicles used as school buses. But since the transportation of pupils—not only to and from school, but also as a means of extending the vistas of boys and girls through educational field trips by school bus—is such an integral part of the total education enterprise it seems especially fitting that the Secretary of Health, Education, and Welfare conduct the proposed study and report the results, together with his recommendations, to the Congress.

On behalf of this Commission of the National Education Association, and of the state officials with whom we have long worked in the field of school bus transportation, I strongly support Title VI of H.R. 7819. If our office can be of assistance at any time in connection with efforts to improve the safety of school bus operations, please call upon us.

Sincerely,

NORMAN KEY,
Executive Secretary.

Mr. JAVITS. Mr. President, it is for all of these reasons that I sponsored the provision in H.R. 7819, section 601 authorizing the Secretary of Health, Education, and Welfare, in cooperation with the Secretary of Transportation, "to conduct or to make grants, contracts, or other arrangements for, first, a study and investigation in order to determine minimum safety standards for the operation of schoolbuses; and, second, demonstration projects for the purposes of such study." In addition, the Secretary of Health, Education, and Welfare is required to report the results of this study by January 31, 1969, together with recommendations for any legislation he deems advisable for the establishment of minimum safety standards for schoolbuses.

I had consulted with the Senate Committee on Commerce and, at their suggestion, had revised my amendment to eliminate any possible conflict with that committee's jurisdiction or any overlap with authority already established under the National Traffic and Motor Vehicle Safety Act of 1966, Public Law 89-563. While the Department of Transportation has authorized a $52,000 6-month study on schoolbus safety practices to be undertaken by the National Committee on Safety Education of the NEA, there seems to be little other effort in this area.

As our suburban population increases, more and more children will be utilizing schoolbuses. Their safety should be our first consideration.

Mr. President, the provision in this bill will therefore be the first major really effective effort to see what we can do in a legislative way about schoolbus safety.

I know of no more eloquent statement as to the importance of this effort now being really inaugurated in a major way in the Federal Establishment than the letter to which I have referred from the National Commission on Safety Education, which is now made a part of the RECORD.

CHAIRMAN OF THE FIRST NATIONAL CITY BANK OF NEW YORK WARNS THAT THE "DOLLAR IS AT BAY"

Mr. JAVITS. Mr. President, I call the attention of the Senate to a most important address by the chairman of the First National City Bank of New York, George S. Moore, at the 72d annual meeting of the National Association of Manufacturers, in which he described his views, as the executive head of the third largest bank in the United States, on the critical danger which we face now with respect to the international monetary situation rising out of the raid on gold, the threat to the dollar, the devaluation of the British pound. He expressed the strong feeling that many of us have in mind that action—domestically and in the international sphere—is essential and eminently required at this time. He urges that those steps be taken in the interest of our Nation and of the economic health of the world, and be taken without delay.

I commend the reading of this address to all of my colleagues.

I ask unanimous consent to have printed in the RECORD an article from the New York Times this morning concerning this address as well as the full text of Mr. Moore's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article and the address were ordered to be printed in the RECORD, as follows:

MOORE WARNS THAT "DOLLAR IS AT BAY"—GOLD LOSS OFFSET BY RESERVE'S MOVES—BANK CHIEF TELLS NAM, UNITED STATES IS FINANCIALLY "OVEREXTENDED"

(By H. Erich Heinemann)

The head of one of the nation's largest banks warned yesterday that the United States is "overextended" financially, and that the "dollar is at bay."

George S. Moore, chairman of the First National City Bank told the 72d annual meeting of the National Association of Manufacturers that the "mere threat" that the Government might impose direct controls on the foreign-exchange market might lead to a devaluation of the dollar.

In an unusually blunt talk to the businessmen gathered at the Waldorf-Astoria Hotel here, Mr. Moore said that in the wake of the devaluation of the British pound "the link between gold and the dollar has been brought into question."

"For the first time in a generation," Mr. Moore added, "the international financial community has seriously had to contemplate the possibility of a change in gold parities—or even of a suspension of the guaranteed convertibility of dollars into gold."

THIRD LARGEST BANK

The First National City Bank is the third largest in the nation—behind the Bank of America and Chase Manhattan Bank—but it

is generally considered to be largest in terms of international operations.

If the price of gold were increased, this would amount to a devaluation of the dollar.

Mr. Moore said that he was "firmly" against an increase in the present United States gold price of $35 an ounce, which is the peg in terms of which most other currency values in the world are determined. But he added that "with price and wage inflation accelerating at the present rate, it is unrealistic for anyone to say that the price of gold is never going to rise above the price fixed in 1933."

Mr. Moore stated that he was equally opposed to direct controls "such as a moratorium on all foreign investment for balance of payments reasons, or a capital issues committee to control credit allocation."

"The end of this road, of course," Mr. Moore added, "is foreign exchange control by the United States." It would be "impossible" for this country to follow this course "with any hope of success," he stressed.

Mr. Moore said that "I don't think that the resources of the speculators are enough to challenge those of the central banks, which have reaffirmed their determination to maintain the $35 gold price."

"This could change," he continued, "if the mass of domestic and foreign investors and holders of dollars should become frightened at the prospect of United States foreign exchange control. It would generate speculative movements [of money] far beyond the resources of all the authorities."

Mr. Moore said that there were three reasons "why we are in trouble." He listed them, stating that:

The Federal Government's budget is "virtually out of control." There is "no present evidence," he added, "that we are going to do as much as should be done to bring our budget back near balance."

The deficit in the United States international balance of payments "has reached the critical stage," with the prospect that the deficit would be $3-billion this year and "even greater" next year.

"Our price stability is threatened," in part at least because the Federal Reserve has been pursuing too easy a credit policy.

The way out of the impasse, Mr. Moore said, should include higher taxes, reduced Government spending and tighter money. "This would reduce the dimensions of our balance of payments problem," Mr. Moore added, "and slow down price inflation, which will otherwise make our balance of payments problem worse in the future."

And, as a "technical matter," he stated, the requirement for a 25 per cent gold reserve against United States currency should be removed. "Our goal should be fully available to protect the position of the dollar internationally, as we have repeatedly stated to be our policy," he emphasized.

THE DOLLAR AT BAY

(Remarks of George S. Moore, chairman, First National City Bank, at N. A. M. Congress of American Industry, December 7, 1967)

I will devote my remarks today to the international monetary and economic problems which are so much in the headlines. These problems are unquestionably the most serious we have faced for a long time.

The plain fact is that the United States is over-extended today. Commitments made and policies adopted in the immediate postwar period, when conditions were very different from what they are today, need to be reviewed. Adjustments in programs, responsibilities and priorities are needed—by us and by our allies.

The most critical problem is the dollar/gold problem. The dollar is at bay. Unfortunately, this hits us at a time when the Federal budget is nearly out of control and when our price and wage stability is threatened. Fortunately, however, the basic productivity of the country and our technological leadership and managerial competence were never greater. These assets give us the strength to find a solution.

December 7th is an appropriate date for a reassessment. The events of an earlier December 7th—in 1941—ended any illusion that the United States could remain uninvolved in world affairs. It marked the beginning of our inevitable role of leadership. When the war ended, the United States was the only large power that was economically and physically intact. It was the sole source of military and economic strength. We measured up to our responsibilities by extending the hand of friendship not only to allies but to former enemies. Together we rebuilt the free world.

We did a good job. The institutions created and leadership provided were generally successful. We came through the postwar period without the depression which usually follows wartime inflation and dislocation. Unprecedented growth and stability have followed.

Politically, the postwar settlements were less successful. So-called temporary arrangements left us with a divided Europe and with mighty barriers to East-West trade and investments. These barriers are gradually eroding but will remain for our lifetime. The aftermath of the war led also to the rise of a second great Communist power in the far East—China.

Many lose sight of the fact that the situation has changed dramatically since these early postwar years. The changes underlie the U.S. problem today.

In the 1940's, Europe was the chief arena of East-West conflict. Until the Marshall plan succeeded, there was danger that much of Western Europe would fall under the sway of governments dominated by Communists. The Soviet military threat became real, as Russia quickly rebuilt its economic and military power by acquiring nuclear capability. This kept NATO strong and painted over the political differences developing among the allies. As Europe recovered and the Soviet threat receded, however, resentment over the dominant U.S. role began to develop in Europe. European countries began to pursue their separate national interests. In retrospect, this might have been foreseen. Arrangements might have been made to share leadership more broadly and to distribute responsibility for the welfare and defense of the free world more equitably. Secretary Rusk suggested this adjustment in NATO only this past weekend.

But this has not yet occurred. Today, the United States still finds itself expected to carry the major responsibility for defending and financing the free world. We are expected to support freedom in Southeast Asia (and to defend Berlin again if necessary) in the interest of the free world's security—and pay the check in blood and money. At the same time, any of our friends enjoy the privilege of criticizing our actions. This understandably concerns many of us. It raises the question of reassessing responsibilities.

Other changes in the postwar period also make this necessary.

1. Most important among them are the Common Market and the rapid economic progress of its members, as well as Japan's remarkable economic expansion. When I was in the Soviet Union four years ago, then-Deputy Premier Mikoyan asked me why the United States supported the common market which, he said, was aimed at the destruction of American economic supremacy. I replied that we were not fearful. We believed that Europe would continue to be our best customer and would become strong enough to share our growing worldwide responsibilities. I still think I was right.

2. Twenty years ago the vast colonial empires of European powers were still virtually intact. Today they are almost all dismantled, with former colonies independent politically but, generally speaking, not viable economically. This represents progress toward freedom and self-determination. However, real political independence is not possible without economic solvency. We still have the problem of underdevelopment, with the major burden now falling on the United States.

3. These developments, and the political imbalances they have created, have shifted the arena of East-West conflict from Europe to Southeast Asia, Africa and the Middle East. The danger of armed conflict in Europe between the United States and its allies and the Soviet Union has diminished to the point that NATO no longer commands the support it did a decade ago. The super powers have learned the need for caution in the nuclear age and seem determined to limit any conflict that could possibly result in direct military confrontation. On the other hand, the nuclear stalemate does not rule out taking sides in local conflicts where the great powers do not confront each other directly, as in Vietnam and the Middle East.

4. Another major development is the fragmentation of the monolithic Communist bloc, with open hostility between the two largest Communist powers. I am sure the hostility is real, but whether it will prove to be an asset to the United States remains to be seen. I fear not. For example, Russia and China are both helping North Vietnam against us.

5. Still another development, and a negative one, is that the vision of a real Atlantic community, encompassing not only military and economic cooperation but also close political ties, is fading. NATO is losing its steam, as I have said. British membership in the Common Market, bringing other EFTA countries with her as members or associates, looks a good way off.

6. Finally, as a result of all these and other changes, there has been a marked shift in international monetary relationships, reflected in the redistribution of reserves. At the end of the war, the United States had very nearly all the free world's gold. The dollar was the only freely convertible currency. Today, we hold only 30 per cent of the free world's gold.

Despite the problems to which I have referred, the free world has worked together harmoniously in many areas. The foundations of economic cooperation laid down in the postwar years are still basically sound. Because of these ties, political differences have been toned down, contrary to the experience after the First World War. The successful conclusion of the Kennedy round in achieving further major reductions in barriers to trade in industrial goods, and the international monetary agreement signed in Rio de Janeiro in September are two recent examples.

I know you have considered the Kennedy round at this conference. As one of the organizers of the Emergency Committee for American Trade, let me repeat that our committee is strongly opposed to the protectionist proposals which have flooded the Congress. If enacted, these would nullify the Kennedy round gains and result in retaliation. The whole path of postwar expansion, trade and production would be reversed to the detriment of everyone, particularly the United States.

I do not want to brush the subject under the rug. I recognize the problems of an American manufacturer with a $5.00 an hour labor bill. But I think the answer lies in directions other than quotas. For some, liberalization of the adjustment provisions of the Trade Expansion Act will help. The dumping provisions can be strengthened. A further increase in capital expenditures would help some industries which have lagged technologically. For basic industries

such as steel, voluntary restraints by other exporting countries, negotiated by our Government—as happened in the case of textiles—may be a practical short-term answer. There is an urgent need to restrain wage increases which exceed productivity gains and thereby worsen the competitive position of American industry.

The Rio agreement, providing for the creation of special drawing rights, is also evidence of the cooperative will of the major financial powers. However, the plan won't become operative for some time, and cannot be expected to provide any material relief for the United States' present balance of payments problems. Nor will it solve the long-range capital problems of the developing countries. It is, nevertheless, a constructive mechanism which, if used cautiously, can add to world liquidity and facilitate the settlement of deficits. In no respect does this agreement reduce the need for every government to continue to exercise financial and fiscal discipline.

This past week the major industrialized countries reached preliminary agreement supporting the proposal that they grant prompt non-reciprocal preferences for products of developing countries—a significant step many of us have been recommending.

In spite of these favorable developments, the devaluation of sterling points up the fact that the free world is moving at an accelerated pace towards a major test of the durability of its postwar monetary structure. The United States leadership is also being tested.

You have had ample reports at these meetings on the strength of our economy. You members of the NAM are the hard core of our tremendous productive capacity and have contributed importantly to the economic and social progress we have made. There is still much to be done about our unsolved urban problems, and we are still grouping for better incentive oriented answers to our welfare problems. But there is no question that in terms of production, technology and business leadership, U.S. economic power is at an all-time high.

Also, our international balance sheet in terms of total foreign assets and total foreign liabilities was never stronger. A net surplus of assets over liabilities of about $50 billion (not including our gold). Our payments problems, as we know, is one of timing and liquidity. We have too many short-term foreign liabilities, whereas our foreign assets are largely long-term investments. They are producing a steady increase in profits, which are helping our balance of payments more every year.

With this positive background, one might ask why we are in trouble and what the problem is. It is threefold.

1. Our budget is virtually out of control, largely because of Vietnam but also because of mushrooming non-defense programs. By trying to do too much today, we are running a defict somewhere between $20 and $30 billion in this year. There is no present evidence that we are going to do as much as should be done to bring our budget back near balance.

2. Our balance of payments problem, which has plagued us for a decade, has reached the critical stage. Even after window-dressing transactions of at least $1 billion, which convert short-term liabilities into long-term liabilities, our defict this year will be in the neighborhood of $3 billion on a liquidity basis—almost double last year's. And there is every prospect that next year's deficit will be even greater.

Some people have been harboring the hope that a new monetary system would be invented which would eliminate the necessity for us to make both ends meet. This never was possible, but the illusion persists. That, plus our unwillingness to do the things that are necessary, have brought us to this sad state. Here again, the Vietnam war has aggravated the problem, and is probably responsible for at least half of the anticipated payments deficit.

3. Our price stability is threatened. Because of the necessities of financing the budget deficit, the federal reserve has adopted easier money policies than it would otherwise have pursued. This has produced a rapid increase in our money supply, which along with excessive cost pressures, is responsible for doubling the rate of inflation, and has added to our payments deficit. The result is that we are now threatened with loss of our price stability, which underlies the strength of the dollar. It perils our savings tradition—the foundation of our capital formation—which is essential to our growth.

Three weeks ago, sterling was devalued. People asked, "if it could happen to sterling, why not also to the dollar?" In the exchange markets, the dollar was on the floor. Speculators bought gold in unprecedented amounts, expecting or hoping that the price would rise. When it became clear that the United States, with the support of the principal central banks in Europe, would not countenance a change in the gold price and would keep the London gold market supplied, the pressure subsided.

Yet the effect of the sterling crisis continues. The link between gold and the dollar has been brought into question. For the first time in a generation, the international financial community has seriously had to contemplate the possibility of a change in gold parities—or even of a suspension of the guaranteed convertibility of dollars into gold.

No one knows what the consequences would be. Would the delicate fabric of international confidence in currencies—and especially in the dollar—on which the present system depends, survive? I do not know. But it seems probable that when the dust had settled, we would find that the currency systems of the world had been dealt a serious blow. Until we can depend on governments to impose on their countries the discipline of necessary monetary and fiscal restraint to provide stability, or until nations are willing to transfer their wealth to support the economic needs of their neighbors, it seems to me that the world's economic system needs the discipline of gold. I am not saying this millenium of a gold-free international monetary system won't come. In fact, the evolution of the dollar exchange system as it now operates represents progress in that direction. The IMF itself, the U.S. swap system, the group loan arrangements to support sterling, and now the proposed special drawing rights all provide gold-free means of settling international balance of payments differences. But the millenium isn't here today.

Now, what are the alternatives and which should we choose?

1. I have stood firmly with those who oppose an increase in the price of gold now as being unnecessary and undesirable. I have repeatedly said that to do so would merely pour gasoline on the fires of inflation. On the other hand, I would be less than honest if I did not point out that when men fail to act effectively, events have a way of making decisions such as this for us. (With price and wage inflation accelerating at the present rate, it is unrealistic for anyone to say that the price of gold is never going to rise above the price fixed in 1933, when industrial wages were $1 an hour. On the other hand, the biggest gold dealer in London says that as a raw material for industrial and decorative purposes, instead of monetary purposes gold is worth about $8 an ounce. What we really have is a horserace. Will progress in international monetary cooperation give us a gold-free monetary system before inflation makes the present gold price impossibly obsolete.)

2. A second course of action, which I dislike equally, is the direct control route. I have also stood equally firm against this alternative. We have already gone down the road some way with our interest equalization taxes and the voluntary programs on credit and foreign investment. In the past weeks, responsible people have suggested additional types of controls, such as a moratorium on all foreign investment for balance-of-payments reasons, or a capital issues committee to control credit allocation. Others have proposed limits on financial institutions lending through quantitative ceilings. As we know, bills have been proposed in Congress for import quotas. Labor unions have proposed price control and businessmen have advocated wage restraints. Others have suggested a tax or restraints on U.S. tourism abroad. The end of this road, of course, is foreign exchange control by the United States. The New York Times has proposed this twice in its recent editorials.

In my opinion, it is impossible for the world's greatest economic power to follow the control road with any hope of success.

Controls have always had a perverse effect, and always will have. Controls such as those proposed will obviously create a slowdown in world expansion. The mere threat of exchange controls would accelerate the flight of money from the United States and hasten the day when the price of gold would have to be revalued. I don't think the resources of the speculators are enough to challenge those of the central banks, which have reaffirmed their determination to maintain the $35 gold price. This could change if the mass of domestic and foreign investors and holders of dollars should become frightened at the prospect of U.S. foreign exchange control. It would generate speculative movements beyond the resources of all the authorities. This fact alone should be a conclusive argument against the direct control route. No one questions the fact that business and financial institutions must respond to our national needs. They have done this effectively under the voluntary balance-of-payments guidelines. But they have a right to expect leadership and equal response by the Government itself.

3. The third alternative, therefore, and the one I strongly advocate, is to use fiscal and monetary discipline to rebuild confidence. Our strength is great and it is not too late if we act promptly and decisively. This must be done in a reasonably free market framework if it is to be successful and lasting.

To sum up, in the domestic area:

1. The fiscal impasse must be promptly resolved by higher taxes and reduced spending.

2. This will make it possible for the monetary authorities to apply a firmer policy and slow down the expansion of our money supply.

3. This would reduce the dimensions of our balance-of-payments problem and slow down price inflation, which will otherwise make our balance-of-payments problem worse in the future.

4. Above all, we must avoid the temptation of further direct controls.

5. A technical matter, which we should correct promptly, is the removal of the gold reverse requirement against Federal Reserve notes. Our gold should be fully available to protect the position of the dollar internationally, as we have repeatedly stated to be our policy.

In the international field:

1. We must not permit protectionism to undermine the gains of the Kennedy round and reverse the expansion of world trade and production.

2. We must press more effectively for broader sharing of our worldwide political and economic burdens by both Europe and Japan, or reassess our long-range role to bring it within our capabilities.

If we follow this course, the dollar will no longer be at bay.

PROHIBITION OF CERTAIN BANKS AND SAVINGS AND LOAN ASSOCIATIONS FROM FOSTERING OR PARTICIPATING IN GAMBLING ACTIVITIES—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, a conference committee between the Senate and the House on H.R. 10595, a bill to prohibit federally insured financial institutions from selling lottery tickets, met yesterday and agreed upon a bill.

Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 8, 9, 12, 13, and 16; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

(d) Nothing contained in this section prohibits a national bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State member bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits a State nonmember insured bank from accepting deposits or cashing or otherwise handling checks or other negotiable instruments, or performing other lawful banking services for a State operating a lottery, or for an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

Amendment Numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "selling, redeeming, or collecting".

And the Senate agree to the same.

Amendment Numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) Nothing contained in this section prohibits an insured institution from accepting funds from, or performing any lawful services for, a State operating a lottery, or an officer or employee of that State who is charged with the administration of the lottery."

And the Senate agree to the same.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
EDMUND S. MUSKIE,
WALLACE F. BENNETT,
BOURKE HICKENLOOPER,
Managers on the Part of the Senate.

WRIGHT PATMAN,
ABE MULTER,
LEONOR K. SULLIVAN,
HENRY REUSS,
THOMAS L. ASHLEY,
WILLIAM B. WIDNALL,
FLORENCE P. DWYER,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. PROXMIRE. Mr. President, the bill originally passed by the House would have prohibited federally insured financial institutions from selling lottery tickets directly to the public. In addition, the House bill specifically prohibited banks from redeeming, collecting, keeping any books or records with respect to lottery tickets or otherwise handling in any way lottery tickets.

The prohibition with regard to the redeeming, collecting, bookkeeping and recordkeeping activities was deleted from the House bill by the Senate bill. That is these functions were still permitted by the bill. In addition, the Senate bill specifically authorized insured financial institutions to first, distribute lottery tickets to duly authorized sales agents; second, receive from such sales agents the proceeds of their sales for subsequent transfer to the State lottery; and third, pay off the winners of State lotteries.

I believe the conference committee has worked out a reasonable compromise between these two versions of the bill. The conference committee recommends the Senate amendment authorizing the distribution of lottery tickets to sales agents, the acceptance of the proceeds, and the payment of awards, be deleted. The conferees felt such authorization might go beyond existing legally authorized banking services. In its place the conference committee recommends language which simply indicates that nothing in the act prohibits a bank from accepting or cashing checks or handling negotiable instruments or otherwise performing any lawful banking service on behalf of the State lottery.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. I violently opposed this bill and voted against it and brought about a rollcall vote, and I still oppose it. I shall oppose the conference report, although we all know it is water over the dam.

I should like to ask the Senator a question about the meaning of this particular provision—that is, the intent of this change.

As I understand it, the conferees were seeking to prevent the authorization from making lawful what might otherwise be unlawful. If, under Federal law or State law—in the case of New York State, it would be the State law—the services which have been specified in the Senate bill were lawful, then the banks would be able to carry them on within that State. If in another State those specified services were unlawful, the banks would not be able to carry them on.

I ask the question of the Senator because it is rather axiomatic in the law that if you change something from specific to general, it will be assumed that the change means more than it perhaps actually means, unless it is very clear what the change was really intended to do.

So I repeat: As I understand it, what the conferees were seeking to do was to prevent the authorization itself from making something lawful which within a given State was unlawful, but they were not intending to make unlawful something which in a given State was perfectly lawful because of this change of the specific to the general.

Mr. PROXMIRE. The Senator from New York is absolutely correct. The banks can do anything authorized by law.

I should make it clear that the banks cannot sell lottery tickets at retail to the public.

Mr. JAVITS. Of course.

Mr. PROXMIRE. But they can do anything that is permitted by law, with that clear and specific exemption.

Mr. JAVITS. I thank the Senator.

Mr. PROXMIRE. In other words, the

intent of the recommendations of the conference committee is to permit banks and savings and loan associations to perform for lotteries any services presently authorized under law. Nothing in the legislative history should be construed otherwise.

The conference committee also recommends the House prohibitions with respect to the collection or redemption of lottery tickets be included in the bill. It was originally feared that such language could have been construed as prohibiting the acceptance of checks or deposits from lotteries. The Senate Banking Committee therefore deleted the two words from the bill. Since specific language is recommended by the conference committee which makes it clear that banks can provide check-cashing or other legally authorized services, such a restrictive interpretation is no longer possible. The conference committee therefore recommends the House position be agreed to.

The House agrees to the Senate amendment which deleted the prohibition with respect to performing bookkeeping or recordkeeping services. It is the intent of the conference committee that such services should not be prohibited to State lotteries to the extent that such services are otherwise authorized by law.

Mr. President, I believe the recommendations of the conference committee are reasonable recommendations and should be adopted by the Senate. As the final bill now stands, banks and savings and loan associations would be specifically prohibited from selling lottery tickets directly to the public. All other services presently authorized by law could be performed on behalf of the lottery. I am hopeful the Senate will concur in the recommendations of the conference committee and recommend the passage of H.R. 10595.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield

Mr. McINTYRE. Mr. President, first I should like to express my thanks and the thanks of the State of New Hampshire to the distinguished Senator from Wisconsin and the other Senate conferees who have maintained the spirit of the Senate amendments in conference.

I have a question about the significance of one of the changes made in conference, and I should like to direct a question to the manager of the bill, Senator PROXMIRE.

The bill as passed by the Senate would have permitted banks to "collect" lottery tickets. As reported by the conferees, the bill prohibits the collection of lottery tickets.

However, the conferees have added a new section which permits banks to perform "lawful banking services" for State-operated lotteries. This would seem to qualify the earlier prohibitions.

As the Senator knows, one of the lawful banking services traditionally provided by banks and trust companies is the provision of safe deposit and safekeeping facilities. In the State of New Hampshire, State employees are used to collect lottery tickets from sales agents. These tickets are then stored in a local bank and are ultimately transferred to a central bank. The banks themselves do not collect the tickets from purchasers, but simply store those tickets presented to them by State employees.

My question is: Will this practice remain lawful under the bill reported by the conference committee?

Mr. PROXMIRE. As I understand, the tickets would be stored, for example, in safe deposit boxes.

Mr. McINTYRE. Or similar repositories.

Mr. PROXMIRE. Certainly, I think that would be a function of the bank which would be legal and would be permissible under the bill as I interpret it.

Mr. McINTYRE. I am glad to hear the Senator from Wisconsin say that, because that was my impression yesterday, when I was present at the conference for a brief period of time—that this is what they wanted to do; that anything that was lawful for the banks to do, they could continue to do.

Mr. PROXMIRE. Mr. President, I ask unanimous consent to have the statement of the managers on the part of the House printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House bill prohibited national banks, State member banks, State nonmember insured banks, and insured savings and loan associations from selling, keeping any records or books for the State lottery or its agents or from redeeming, collecting, keeping any books or records with respect to or otherwise handling in any way lottery tickets or transactions associated with lottery tickets.

Under the amendments agreed to by the conferees, the prohibition against bookkeeping and recordkeeping was deleted, and a provision was added to make clear the intention not to prohibit the acceptance of deposits and the performance of other lawful banking services.

No inference is to be drawn of any legislative intention to grant banks or other financial institutions any authority which they would not possess in the absence of this legislation. As there are cases currently pending in the courts in which the legal power of national banks to engage in certain activities is at issue, neither the report filed herewith nor this statement is to be construed as evidence of any legislative intention to express approval or disapproval of the legality of any practice or activity carried on by financial institutions, other than that which is specifically prohibited under this legislation.

Mr. PROXMIRE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, as a reminder, the Senate will adjourn until 10 o'clock on Monday next; and, under the unanimous-consent request of the distinguished majority leader, which was agreed to by the Senate, the consideration of the Thurmond amendment will be resumed at 11 a.m., and the time between 11 and 11:10 will be evenly divided and controlled by the Senator from South Carolina [Mr. THURMOND] and the Senator from Oregon [Mr. MORSE]. The vote on the Thurmond amendment will occur at 11:10 a.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 47 minutes p.m.) the Senate adjourned until Monday, December 11, 1967, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate December 8, 1967:

THE JUDICIARY

George I. Cline, of Kentucky, to be U.S. attorney for the eastern district of Kentucky for the term of 4 years. (Reappointment.)

IN THE NAVY

Vice Adm. Bernard A. Clarey, U.S. Navy, to be Vice Chief of Naval Operations in the Department of the Navy under the provisions of title 10, United States Code, section 5085.

Having designated, under the provisions of title 10, United States Code, section 5231, Vice Adm. Bernard A. Clarey, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of admiral while so serving.

Adm. Charles D. Griffin, U.S. Navy, when retired, for appointment to the grade of admiral pursuant to title 10, United States Code, section 5233.

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

June M. Turnipseed, of Mathews, Ala., in place of E. P. Gowan, removed.

CALIFORNIA

Floyd D. Ziegler, of Orangevale, Calif., in place of M. W. Bost, retired.

Donald Risso, San Bruno, Calif., in place of F. C. Fisher, deceased.

COLORADO

Ernest C. Rieder, of Johnstown, Colo., in place of C. L. Dunn, retired.

INDIANA

Anna P. Beeson, of Losantville, Ind., in place of L. B. Cory, retired.

KENTUCKY

Anna L. Justice, of Mouthcard, Ky., in place of Wade Williams, deceased.

LOUISIANA

William W. Pares, Jr., of Gretna, La., in place of W. G. Rhodes, retired.

MARYLAND

Francis E. Bost, of Lanham, Md., in place of G. S. Chapman, retired.

MASSACHUSETTS

Dorothea A. Miller, of Glendale, Mass., in place of H. A. Miller, retired.

MISSOURI

Robert E. Erwin, of Greentop, Mo., in place of K. W. Alexander, transferred.

NEW YORK

Adolph C. Bassanello, of Akron, N.Y., in place of E. C. Laughlin, retired.

George R. Sloane, of Bainbridge, N.Y., in place of W. L. Hitchcock, retired.

Leo J. Moran, of Oakdale, N.Y., in place of F. G. Van Emmerik, retired.

Margaret A. Kinney, of Sylvan Beach, N.Y., in place of R. M. Yahnke, declined.

OHIO

Virgil H. Fritz, of Port Clinton, Ohio, in place of V. C. Von Thron, retired.

OREGON

Leslie E. Packard, of Albany, Oreg., in place of T. O. Palmer, deceased.

TEXAS

Clarence J. Rehm, of Hallettsville, Tex., in place of S. S. Devall, retired.

WASHINGTON

Lloyd I. Larson, of Peshastin, Wash., in place of H. A. Smithson, Jr., resigned.

WISCONSIN

Reuben Vandenbush, of Oconto Falls, Wis., in place of E. W. Plain, retired.

Melvin C. Paulson, of Prairie Farm, Wis., in place of P. G. Pederson, retired.

CALIFORNIA

Geraldine M. Glassgow, of Butte City, Calif., in place of A. J. Clay, resigned.

William J. Ingle, of Wilmington, Calif., in place of B. T. Murphy, retired.

ILLINOIS

Loretta M. Cassidy, of La Moille, Ill., in place of Fern Conard, retired.

Edward W. Hanlon, of Libertyville, Ill., in place of R. A. Kennedy, deceased.

Robert W. Long, of New Berlin, Ill., in place of R. J. White, retired.

MAINE

Harlan E. Dustin, of Oakland, Maine, in place of S. C. Marshall, deceased.

MASSACHUSETTS

Edward F. King, of Ashburnham, Mass., in place of J. L. Mack, retired.

Jean A. Collins, of Sagamore Beach, Mass., in place of V. E. O'Toole, retired.

MICHIGAN

Timothy M. Sheridan, of Fairgrove, Mich., in place of B. C. Wright, retired.

NEW YORK

Russell L. DeWaters, of Elbridge, N.Y., in place of E. B. Wright, retired.

OHIO

Berl R. Weimer, of Rudolph, Ohio, in place of H. M. McGuire, retired.

PENNSYLVANIA

George R. Brindle, of Chambersburg, Pa., in place of H. W. Harrison, retired.

William J. Palkovits, of Northampton, Pa., in place of R. E. Bartholomew, retired.

SOUTH CAROLINA

Daniel L. Koth, of Beaufort, S.C., in place of S. M. Hollins, retired.

SOUTH DAKOTA

Donald W. Elliott, of Columbia, S. Dak., in place of N. A. Boatman, retired.

TENNESSEE

Charles H. Kreis, of Lancing, Tenn., in place of M. E. Pemberton, retired.

TEXAS

Margrette M. Alford, of May, Tex., in place of Geneva Michael, retired.

Charles C. Franklin, of Mount Pleasant, Tex., in place of J. H. Johnson, Jr., resigned.

WEST VIRGINIA

James R. Beavers, of Pineville, W. Va., in place of B. R. Hill, deceased.

WISCONSIN

James P. Hillyer, of Necedah, Wis., in place of W. H. Taft, retired.

Boyd Brown, of Rewey, Wis., in place of L. M. Gibbon, retired.

HOUSE OF REPRESENTATIVES

FRIDAY, DECEMBER 8, 1967

H.R. 6167—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. RIVERS submitted a conference report and statement on the bill (H.R. 6167) to authorize the extension of certain naval vessel loans now in existence and a new loan, and for other purposes.

H.R. 13510—CONFERENCE REPORT

Pursuant to an order of the House on Wednesday, December 6, 1967, Mr. RIVERS submitted a conference report and statement on the bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes.

SENATE

MONDAY, DECEMBER 11, 1967

The Senate met at 10 a.m., and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

Msgr. William J. Awalt, pastor, St. Peter's Church, Washington, D.C., offered the following prayer:

O God, our Father, we thank You at the beginning of this new week for the opportunity of being of service to the people whom we represent. In so doing we are mindful that in serving them for Your sake we are serving You who through Your Son have identified yourself with even the least of the brethren.

While we ask Your blessing on our work, our petition is not so much that we ask You to bless what we decide as we ask Your guidance in our decisions. We ask You not so much to ratify what we have done as to guide us in the doing so that we can truly say "Thy will be done."

With gratitude we accept the freedom that You have given us to work out our destiny. With confidence in You we accept the responsibility that through the course of human events You have laid on our shoulders. Since You allow us to do so much for the human condition that has eternal repercussions, be with us in Your guidance and strength today and throughout our lives. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 11, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, December 8, 1967, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar to consider Calendars Nos. 894 and 895.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSIT DEVELOPMENT PROGRAM FOR THE DISTRICT OF COLUMBIA

The bill (H.R. 11395) to amend the National Capital Transportation Act of 1965 authorizing the prosecution of a transit development program for the National Capital region and to further the objectives of the act of July 14, 1960, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 910), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this bill is to amend the National Capital Transportation Act of 1965 (79 Stat. 663), which authorized the National Capital Transportation Agency to provide for the establishment of the system of rail rapid transit lines and related facilities